





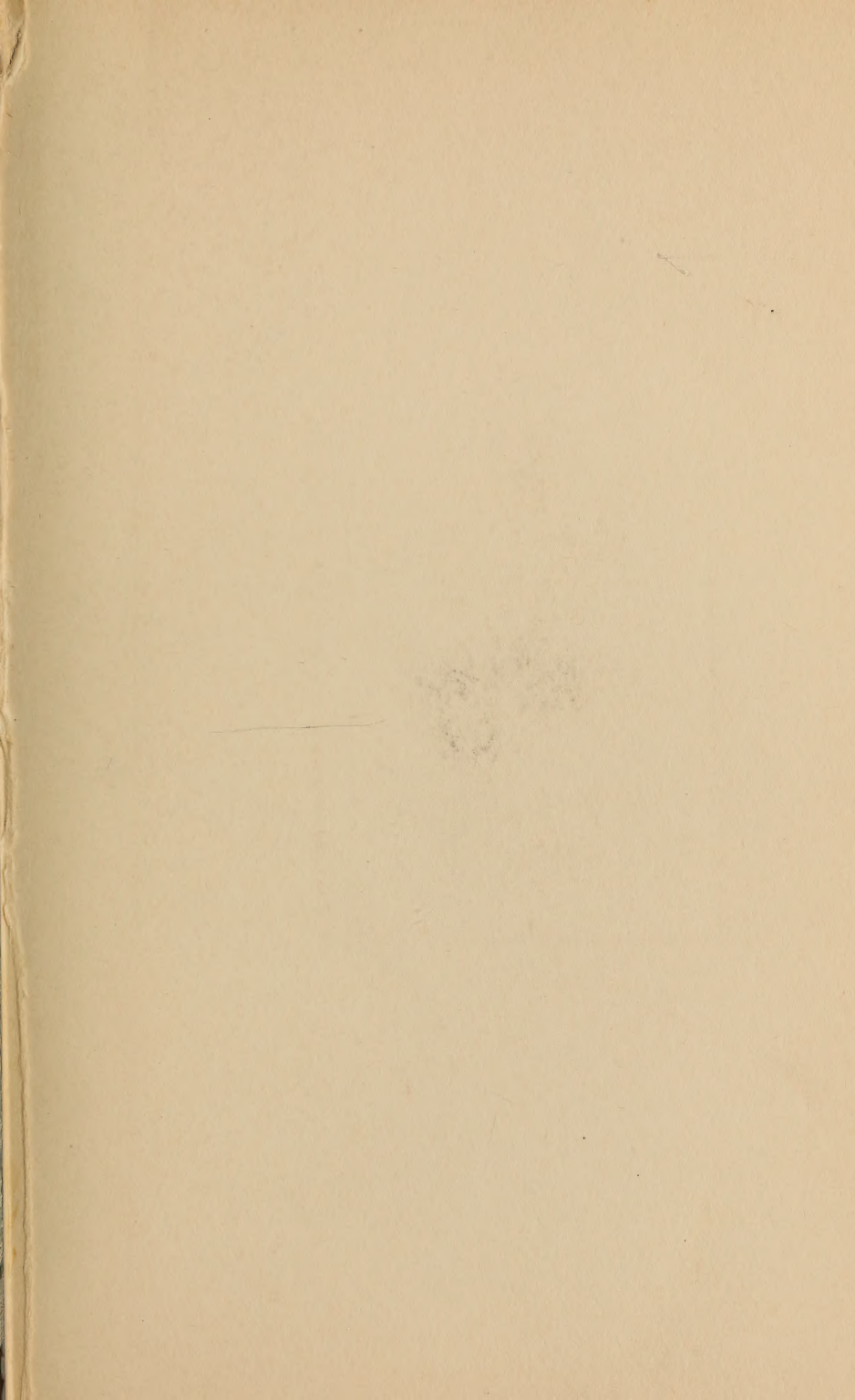
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**THE INTERNATIONAL PROTECTION  
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# THE INTERNATIONAL PROTECTION OF LABOR

BY

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AUTHOR OF "REPRESENTATIVE INDUSTRY AND TRADE-UNIONISM OF AN AMERICAN CITY," "INTERNATIONAL ASPECTS OF THE LABOR PROBLEM," ETC.

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To  
The Memory of my Mother  
Clara Ellsworth Lowe



## PREFACE

In 1918 the writer published a Doctor's dissertation on the *International Aspects of the Labor Problem*, after collecting copies of international labor treaties and proposals for such treaties and translating those which had not already been translated into English. Although more or less had been published on the continent of Europe in French and German on the movement for international labor legislation, this subject had received little attention from American or English writers. In 1919 the writer sent to the United States Bureau of Labor Statistics a report including the collection of copies of labor treaties and proposals for such treaties, which led to the publication by that Bureau in 1920 of Bulletin No. 268 (Miscellaneous Series), entitled, *Historical Survey of International Action Affecting Labor*.

Previous to the World War the United States was thought by many to be fully a generation behind Europe with respect to various phases of labor legislation. Certain it is that the United States was among the most backward of great nations in taking part officially in the international regulation of labor conditions. It is the purpose of this book to describe the movement for international labor legislation, to present the labor agreements that have resulted therefrom, and to endeavor to show the legislative developments that may enable the United States to do more than it has heretofore done towards treating labor problems in an international way.

*The Introduction* is topical and briefly outlines the four phases of international action which have affected labor and which have contributed to the movement for international labor legislation (see p. xv). It also contains a more detailed outline of the proceedings of the International Labor Organization of the League of Nations.

*The Movement for International Labor Legislation* in the chronological order of the events that contributed to it up to the time of the war, and in its relation to America and to the formation of the International Labor Organization of the League of Nations directly after the war, is discussed in Part I (see p. 1).



## PREFACE

*International Labor Legislation*, or, in other words, the poly-partite and bipartite labor treaties that had been ratified and brought into actual operation as a result of the movement for international labor legislation, as well as the proposals made for such treaties, up to the time of the war, are treated in Part II (see p. 110) and in Appendices I (see p. 169) and II (see p. 233). A table of contents for Appendix I is given on pp. 171, 172, and for Appendix II on pp. 235-237.

*The Supplement* (see p. 399) includes a copy of the Covenant of the International Labor Organization of the League of Nations as contained in the Peace Treaty of 1919, as well as copies of the recommendations and draft conventions adopted by the Conference of the International Labor Organization of the League of Nations at Washington in 1919 and at Genoa in 1920.

*The Bibliography* (see p. 331) has a table of contents on pp. 332, 333, covering publications in German, French, English, Italian, Spanish, Swedish, Hungarian, Danish, Dutch, and Finnish.

A Short Bibliography of most recent publications in English is given on pp. xv, xvi.

A Key to the abbreviations used in the citation of references in this book and particularly in the Bibliography, will be found on p. 334.

An Index to Parts I and II is contained on pp. 391-398.

A Concise Table of Contents for the entire book is given on p. ix.

Tables of congresses and treaties are given on pp. x-xii.

The writer wishes to express his appreciation of the readiness of Dr. John B. Andrews, Secretary of the American Association for Labor Legislation, to place source material at his disposal and of the helpful suggestions of Hon. John Bassett Moore, of the Chair of International Law, at Columbia University.

New York City,  
March 24, 1921.

BOUTELLE ELLSWORTH LOWE.

# CONTENTS

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Chapter	Page
PREFACE .....	vii
INTRODUCTION .....	xv
International Socialist Movement .....	xvi
International Trade-Union Movement .....	xxi
International Activities of Social Reformers, and of Private and Semipublic Associations .....	xxv
Intergovernmental Action Respecting Labor .....	xxxii

## PART I.

### THE MOVEMENT FOR INTERNATIONAL LABOR LEGISLATION

I. The Movement Defined .....	3
II. Genesis of the Movement .....	11
III. International Labor Conferences .....	31
IV. <i>Pro et Contra</i> .....	66
V. The Relation of America .....	79
VI. The Movement in Perspective .....	96

## PART II.

### INTERNATIONAL LABOR LEGISLATION

I. Conventions Signed at Bern .....	112
II. Protective Labor Treaties .....	137
Appendix I. ....	169
Labor Law Internationally Adopted—Contents.....	171
Appendix II. ....	233
Labor Resolutions Internationally Subscribed—Contents.....	235
Index to Parts I and II.....	391

## BIBLIOGRAPHY

Contents .....	332
Key to Bibliography .....	334
Short Bibliography .....	xiii

## SUPPLEMENT

### INTERNATIONAL LABOR ORGANIZATION OF THE LEAGUE OF NATIONS

Labor Section (Part XIII) of the Peace Treaty of 1919.....	401
Draft Conventions and Recommendations of the Conference of Wash- ington, 1919 .....	412
Draft Conventions and Recommendations of the Conference of Genoa, 1920 .....	432

# CONTENTS

## TABLES OF CONGRESSES

### INTERNATIONAL CONGRESSES OF SOCIALISTS (1864-1881)

International Workingmen's Association and the First International, 1864.....	xvi, 14
Congress of Geneva, 1866 .....	15
Congress of Lausanne, 1867 .....	16
Congress of Brussels, 1868 .....	16
Congress of Basel, 1869 .....	16
Congress of The Hague, 1872 .....	16
Congress of Geneva, 1873 .....	16
Congress of Brussels, 1874 .....	16
Congress of Bern, 1876 .....	16
Congresses of Verviers and Ghent, 1877.....	16
Congress of Chur, 1881 .....	16

### SOCIALIST AND LABOR CONGRESSES (1883-1888)

Congress of Paris 1883 .....	xvi, xxi, 16, 24
Congress of Paris, 1886 .....	xvi, xxi, 16, 24
Congress of London, 1888 .....	xvi, xxi, 16

### INTERNATIONAL CONGRESSES OF SOCIALISTS (1889-1912, 1919, 1920)

Congress of Paris and the Second International, 1889.....	xvii, 16, 27
Congress of Brussels, 1891 .....	xvii, 16, 34
Congress of Zurich, 1893 .....	xvii, 16, 34
Congress of London, 1896 .....	16, 34
Congress of Paris, 1900 .....	16
Congress of Amsterdam, 1904 .....	16
Congress of Stuttgart, 1907 .....	xxii, 16
Congress of Copenhagen, 1910 .....	16
Congress of Basel, 1912 .....	xvii, 16
Congress of Bern, 1919 .....	xix
Congress of Geneva, 1920 .....	xx

### WAR-TIME SOCIALIST CONGRESSES

Congress of Copenhagen, 1915 (Neutral Powers).....	xviii
Congress of Vienna, 1915 (Central Powers) .....	xviii
Socialist and Labor Conferences of London, 1915, 1917, 1918 (Allies) .....	xviii
Congress of Zimmerwald, 1915 (International) .....	xviii
Congress of Kienthal, 1916 (International) .....	xviii
Congress of Stockholm, 1917 (International) .....	xix

### CONGRESSES OF THE THIRD INTERNATIONAL

Congress of Moscow, 1919 .....	xx
Congress of Moscow, 1920 .....	xx

### MISCELLANEOUS

Congresses of Socialist Women, 1907, 1910.....	xviii
Congress of Socialist Students, 1919.....	xx
Pan-American Socialist Congress, 1919 .....	xx



# CONTENTS

## TABLES OF CONGRESSES—*Continued*

### INTERNATIONAL CONGRESSES OF TRADE-UNIONS

The international trade-union movement .....	xxi-xxv, 16, 17
Congresses of Paris, 1883 and 1886, and of London, 1888.....	xvi, xxi, 16, 21
Congress of Zurich, 1897 .....	35, 247
Congresses of the International Federation of Trade Unions, 1901-1919.....	xxii
Seventeenth Miners' International Congress, 1906.....	46
Congress of San Salvador, 1911 .....	xxiv
Congress of Leeds, 1916 .....	xxiii
Congress of Bern, 1917 .....	xxiv
Congress of Laredo, 1918 .....	xxiv
First International Congress of Working Women, 1919.....	xxv
Congress of Mexico City, 1921.....	xxiv

### INTERNATIONAL CONGRESSES OF SEMIPUBLIC AND PRIVATE ASSOCIATIONS

Congress of Brussels, 1897 .....	xxv, 36, 248
Congress of Paris, 1900.....	xxvi, 38
International Association for Labor Legislation.....	xxvi, 39, 40, 249
First Delegates' Meeting, Basel, September 27, 28, 1901.....	41, 252
Second Delegates' Meeting, Cologne, September 23, 24, 1902.....	42, 254
Commission Meeting at Basel, September 9-11, 1903.....	43, 255
Third Delegates' Meeting, Basel, September 26, 27, 1904.....	44, 258
Fourth Delegates' Meeting, Geneva, September 27-29, 1906.....	47, 264
Fifth Delegates' Meeting, Lucerne, September 28-30, 1908.....	57, 269
Sixth Delegates' Meeting, Lugano, September 26-28, 1910.....	59, 281
Seventh Delegates' Meeting, Zurich, September 10-12, 1912.....	61, 300
International Congresses on Unemployment, 1906-1913.....	xxx, 53, 98, 322
Congresses of the International Federation for the Observance of Sunday, 1876-1915 .....	xxviii, 54
Congresses and Conferences of the Permanent International Committee on Social Insurance, 1889-1912 .....	xxviii, xxix, 98, 100
Third International Congress on the Cultivation of Rice, 1906.....	56
International Congresses on Occupational Diseases, 1906-1910.....	xxix, xxx
International Home Work Congresses, 1910-1912 .....	xxx, xxxi, 61

### OFFICIAL INTERNATIONAL LABOR CONFERENCES

Conference of Berlin, 1890 .....	xxxiii, 31, 244
Conference of Bern, 1905 .....	xxxiv, 46, 112, 174-175
Conference of Bern, 1906 .....	xxxiv, 47, 119, 175-180
Second International Peace Conference at The Hague, 1907.....	56
Conference of Bern, 1913.....	xxxiv, 64, 131, 318-321
Peace Conference, 1919 .....	xxxvii, 104-110, 401-412
Conference of Washington, 1919.....	xxxviii-xli, 101, 102, 412-432
Conference of Genoa, 1920 .....	xlii, xliii, 102, 432-439

## LABOR TREATIES

	PAGE
Franco-Italian Treaty, 1904.....	137
Swiss-Italian Treaty, 1904 .....	142
German-Italian Treaty, 1904.....	142
Treaty between Germany and Austria-Hungary, 1905.....	143
Accident Insurance Treaty between Luxemburg and Belgium, 1905 .....	144
German-Luxemburg Accident Insurance Treaty, 1905.....	145
Franco-Italian Treaty, 1906 .....	146
Franco-Belgian Accident Insurance Treaty, 1906.....	146
Franco-Italian Accident Insurance Treaty, 1906.....	148
Franco-Luxemburg Accident Insurance Treaty, 1906.....	149
International Convention Respecting the Prohibition of Night-Work for Women in Industrial Employment, 1906 .....	112
International Convention Respecting the Prohibition of the Use of White (Yellow) Phosphorus in the Manufacture of Matches, 1906 .....	112
German-Netherlands Accident Insurance Treaty, 1907....	150
Franco-British Accident Insurance Treaty, 1909.....	151
Hungarian-Italian Accident Insurance Treaty, 1909.....	152
Franco-Italian Treaty, 1910 .....	153
Franco-Italian Treaty, 1910.....	156
German-Swedish Treaty, 1911 .....	156
Franco-Danish Treaty, 1911 .....	157
German-Belgian Accident Insurance Treaty, 1912.....	159
German-Italian Accident Insurance Treaty, 1912.....	160
German-Spanish Accident Agreement Respecting Sailors, 1913 .....	163
Treaty between the United States and Italy, 1913.....	164
Franco-Swiss Insurance Agreements, 1913.....	165
Italian-German War Arrangement, 1915.....	166

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## INTRODUCTION

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The international protection of labor is a name for the movement which has resulted in the adherence of nations to treaties and conventions protecting workers. These agreements tend to establish international standards for the regulation of industry. The international activities of socialists, trade-unionists, social welfare workers, and governments constitute respectively the political, economic, scientific, and official phases of international action which has affected this movement. In its origin and early development it derived very much of its energy from the agitation of socialists. However, to influence existing governments to sign labor treaties was only an item upon the socialist program. The theory of socialism has been to change the principles underlying the present political and social order. Like the socialists, the trade-unionists have advocated international labor legislation, but their influence in this respect has been less than that of socialists. In its international aspects as well as in its national aspects, trade-unionism has been chiefly concerned with the economic improvement of the working classes and in strengthening labor in its collective bargaining with employers. It was the social welfare workers, organized in private and semi-public associations and aided by the co-operation of interested governments, who devised the efficient organization that led to the actual adoption of international labor laws by these governments. During the war, however, the propaganda of trade-unionists and socialists for international labor legislation and for the incorporation in the Peace Treaty of guarantees for the maintenance of proper labor standards became more pronounced than that of any other groups. A result of the war in its relation to the movement for international labor legislation was the creation of an International Labor Organization in conjunction with the League of Nations, by which governments assumed the official direction of

## THE INTERNATIONAL PROTECTION OF LABOR

this movement. Following is a brief historical summary of the four phases of international action which have contributed to the movement for international labor legislation.

### *International Socialist Movement.<sup>1</sup>*

In 1838 the Communist League was founded in London for the purpose of bringing about the overthrow of the existing form of society by means of the international organization of workers in all countries. The League gained considerable publicity through the appearance in 1848 of "the manifesto of the Communist Party" written by Karl Marx and Frederick Engels.

Fourteen years after the dissolution of this League, the International Workingmen's Association was founded at London (1864). The organization represented originally a movement of trade-unionists for the economic emancipation of the workers. It contained, however, another group which advocated political domination by the working classes; and, as a result of the influence exerted by this group under the guidance of Karl Marx during the first three congresses, the Association was converted into a socialist organization which is known as the First International. Ten international congresses are identified with this movement from 1864 to 1881. The Association continued active until 1872, when, through the loss of the confidence of its English members because of its supposed connection with the insurrection of the Paris Commune and through the dissension of Marxists and Bakunists within its ranks, it gradually lost its vigor and finally disappeared.

Congresses representing socialists and trade-unionists were convoked at Paris in 1883 and 1886, and at London in 1888. Both of the Congresses held at Paris advocated international labor legislation.

Because of differences which had arisen and which a special conciliatory Congress called by the Social Democratic group of the German Reichstag at The Hague, Feb. 4, 1889 (see p. 243),

<sup>1</sup>Cf. *Bulletin of the United States Bureau of Labor Statistics*, No. 268, *Miscellaneous Series*, pp. 34-64.

## INTRODUCTION

had failed to settle, the Marxists and Possibilists convened separate congresses in Paris, July 14, 1889. Before the end of their session a rapprochement between these two factions was reached and they agreed to hold their next meeting at Brussels in 1891. The coming together of these socialist groups marks the formation of what is known as the Second International. The Marxists advocated labor treaties for the international application of the protective labor principles embodied in their resolutions for the prohibition of the work of children under fourteen years of age, and of night-work in general; an eight-hour day; weekly rest; conservation of health *etc.*<sup>2</sup>; and they appointed five delegates to use their influence in behalf of such legislation at an international labor conference which had been proposed by the Government of Switzerland. The Possibilists also favored international labor laws.

International labor legislation constituted the principal topic of discussion at the second Congress of the new International held at Brussels in August, 1891, and it was again discussed and advocated by the Congress of Zurich in 1893. Up to the time of the World War the Second International had held eight regular congresses, and one special peace conference in 1912.

In 1900 the International Socialist Bureau was established at Brussels as a result of the Congress held at Paris in that year. Its purpose was to gather and publish information on the problems of socialism and to report on the status of the socialist movement. Its official publication was entitled the *Periodical Bulletin of the International Socialist Bureau*. Each country was allotted two representatives in the membership of the Bureau while members of the Socialist Interparliamentary Commission were made alternate delegates with the privilege of taking part in its meetings. It was decided that the number of votes allowed to each country in the deliberations of the Bureau should be determined by the importance of the country in the socialist movement. By 1910 this organization had held twelve meetings, in which international labor legislation was one of a score or more of the topics considered. The World War caused the seat

<sup>2</sup> See p. 27.

of the International Socialist Bureau to be transferred from Brussels to The Hague for the duration of the war.

The Socialist Interparliamentary Commission was established in 1904, and its purpose was to enable the parliamentary representatives of socialists in different countries to co-operate for the realization of the aims of socialism. Each nation represented in the International Socialist Bureau was permitted to have one representative in the Interparliamentary Commission and to cast the number of votes warranted by its importance. Before the end of 1910 this Commission had held five conferences.

Socialist women have convened international conferences from time to time, for example at Stuttgart in 1907, and at Copenhagen in 1910. Moreover the Young Socialists organized internationally and in 1910 affiliated with the International Socialist Bureau.

After the outbreak of the war,<sup>3</sup> the socialists of neutral countries met in Copenhagen in 1915 to denounce the war and to discuss means of obtaining peace. Socialists of the Central Powers met at Vienna in the same year for a similar purpose. Socialist and labor conferences were held by socialists representing the Allies at London in 1915, 1917, and 1918. Peace terms were discussed, and in 1918, the Congress went on record as favoring the establishment of a league of nations, the abolition of secret diplomacy and imperialism, and the reduction of armaments. It also discussed international means of combatting unemployment.

The first war-time international conference of socialists representing both sides in the war was held at Zimmerwald, Switzerland, in 1915, with representatives present from France, Italy, Bulgaria, Holland, Roumania, Poland, Sweden, Norway, Denmark, and Germany. The second international meeting was held at Kienthal, Switzerland, in 1916. Italy, Sweden, Russia and Germany were represented. These conferences were principally concerned with the action to be taken by the working classes in behalf of peace. The manifesto of the Kienthal Congress, con-

<sup>3</sup> For wartime conferences compare Ayusawa, *International Labor Legislation*, Chapter IV.



## INTRODUCTION

taining the signatures of Lenin of Russia, Bouderon of France, and Ledebour of Germany, called for revolution and refusal to support the war. The strength of the left wing or antiparliamentary socialists was increasing. The radicalism of this group led to the establishment of a rival International at Moscow in 1919, known as the Third International.

A war-time international socialist conference occurred at Stockholm in 1917. Delegates arrived from France, Belgium and Germany, but the intervention of the Allies resulted in the holding of an informal meeting only, under the chairmanship of Branting, the leader of the Swedish party. Another international assemblage of socialists was held at Stockholm in the Fall of the same year.

After the signing of the armistice an important international meeting of socialists was convened at Bern in February, 1919. Twenty-five countries were represented including Germany Austria, Holland, Great Britain, France, Canada, and Argentina. A league of nations and the labor section of the Peace Treaty were prominent among the topics which were considered. The assembly favored a league of nations representing not only governments but peoples, the international control of oceans and highways of transportation, a world system for the distribution of raw materials and food, and gradual disarmament. The various measures advocated as proper subjects for protective labor laws included the establishment of employment bureaus and systems of social insurance; the adoption of the eight-hour day for adults, and the six-hour day for children between sixteen and eighteen years of age; the prohibition of night-work of women; the recognition of the necessity of weekly rest of thirty-six consecutive hours, and the institution of compulsory elementary education and free higher education. A commission was appointed for the restoration of the Second International.

This commission convoked conferences at Amsterdam in April, 1919, and at Lucerne in August, 1919. To the latter meeting delegates came from Belgium, Great Britain, France, Holland, and Germany. The minority group of the Russian socialists was also represented. The questions discussed were largely political.

Representatives of the discontented antiparliamentary socialists, called the socialist left wing, assembled at Moscow in March, 1919, on the invitation of the Russian communist party. Among the countries from which accredited delegates came to the gathering of this Communist or Third International were Roumania, Germany, Ukrania, Finland, Bulgaria, Norway, Sweden, Hungary and Armenia. There were other socialists present from the United States, Turkey, Jugo-Slavia, Persia, Korea, France, Switzerland, Holland, Bohemia, Great Britain, Serbia, Spain, and Denmark. This group called for the forcible overthrow of the capitalistic régime. Its manifesto was signed by Lenin, Trotsky, Zinoviev, Tchicherin and Fritz Platten, and represents the form of socialism that secured the domination of Soviet Russia. The next meeting of the Third International was held at Moscow in July, 1920.

In the same month the Second International called a meeting at Geneva (July 31). The important parties left in the Second International were the Majority Social Democratic Party of Germany, the British Labor Party, the Belgian Labor Party, the Social Democratic Labor Party of Holland, the Austrian Social Democratic Party, the Majority Socialist Parties of Sweden and Denmark, the Polish Socialist Party, and the Finnish Social Democratic Party. The Geneva Congress voted to transfer the International Bureau from Brussels to London.

In 1919 French Socialist students issued a manifesto that caused the creation of the *Comité Internationale des Étudiants Socialistes*, with its headquarters in Geneva. In December of that year this body called an international meeting at Geneva to create an International Federation of Socialist and Communist Students. Sharp divergence of opinion, however, caused the formation of two separate bodies, the "Communist International Students' Federation," which affiliated with the Third International, and the "Independent Students' International," the aim of which was to unite all socialist and communist students for the peaceful realization of the principles of socialism.

The international socialist movement in the Western Hemisphere has also been growing. In 1919 a Pan-American Socialist

## INTRODUCTION

Congress was held at Buenos Aires with representatives from Argentina, Bolivia, Chile, Peru, Paraguay, and Uruguay. This group sympathized with the radical left-wing socialists of Europe; it represented a step toward greater unity among socialist groups of South America. The demands of the Congress of Buenos Aires included a forty-four hour week; the compulsory education of children under sixteen years of age; the prohibition of child labor; a minimum wage and the abolition of the trucking system; the establishment of labor exchanges, *etc.* It caused the establishment of the American Labor and Socialist Secretariat at Buenos Aires.

### *International Trade-Union Movement*

The International Workingmen's Association originated as a trade-union organization but became the Socialist International. After the disappearance of the First International, the trade-union element can be distinguished from the socialist element in the international congresses which, as has been mentioned above, were held at Paris in 1883 and 1886, and at London in 1888. Demands for international factory legislation were made at both of the Paris conferences. In 1897 the executive committee of the Swiss Workers' League called the Congress of Zurich the purpose of which was to promote labor legislation. This meeting urged the Swiss Federal Council to bring about the establishment of an international labor office. An international meeting of trade-unionists was held at Paris in 1900. The creation of an international secretariat was discussed and a resolution favoring the curtailment of the hours of labor was unanimously adopted.

After approximately the year 1900, the international trade-union movement became more clearly distinguished from the international socialist movement with which originally it had been incorporated. Delegates at labor congresses are often party socialists and trade-unionists at the same time. In many instances the leaders have been the same in both groups, and trade-unions—even non-socialist unions—have been represented at socialist

congresses. This co-operation between trade-unionists and socialists was emphatically endorsed at the socialist Congress of Stuttgart in 1907.

Since 1900 and up to the time of the war, the principal activities of international trade-unions were confined mostly to purely trade-union affairs. They have sought through international federation to unify their standards. Unionism is organized internationally in two forms, viz., by trades and by federations.

*International Trades Secretariats.*—The single trades or crafts of different countries are united under international trades secretariats, as the offices of the international secretaries are called. Among the most prominent of these international craft organizations may be mentioned the International Federation of Miners (see p. 46) which was organized in 1890; the International Federation of Transport Workers, the origin of which may be traced back to an international gathering of railroad workers at Zurich in 1893; and the International Federation of Metal Workers organized in 1900. Before the war thirty-two crafts had such international organizations. Their secretaries held a joint meeting in Zurich for the first time, in 1913. The purpose was to promote greater unity in the trade-union movement and more co-operation between the international trades secretariats and the International Secretariat.

*International Secretariat.*—The second form of international trade-union organization is the International Federation of Trade Unions, of which the central office known as the International Secretariat, was permanently organized in 1901. Until 1913 it was known as the International Secretariat of the National Trade-Union Centers. The International Federation of Trade Unions represents: (1) the national federations of various countries, as for example, the American Federation of Labor which is made up of different trade organizations, (2) the federations of single trades, such as the International Federation of Textile Workers. The International Federation has held congresses at Copenhagen (1901), Stuttgart (1902), Dublin (1903), Amsterdam (1905), Christiania (1907), Paris (1909), Budapest (1911), and Zurich (1913). Its first conference after the war was held at Amster-



## INTRODUCTION

dam in August, 1919. At this meeting the old organization was abolished and a new International Federation of Trade Unions was formed with its International Secretariat located at Amsterdam. This assembly was dissatisfied with the labor clauses of the Peace Treaty as not providing adequate means for the protection of labor's interests, but it nevertheless decided to support the International Labor Organization of the League of Nations because it believed that this Organization might ultimately become the basis of a league representing peoples\* as well as governments.

While the international unions of various trades have been primarily interested in problems peculiar to each trade, the international union of federations has sought for greater unity and solidarity in the trade-union movement as a whole. The tendency of officials of the International Federation in 1920 to favor socialistic propaganda prejudiced American workers against it. The Executive Council of the American Federation of Labor at its session in November, 1920, decided to postpone the consideration of the affiliation of the American Federation of Labor with the International Federation of Trade Unions until the next meeting of the Council.

*International Labor Conferences.*—A proposal of the American Federation of Labor, made in 1914 after the commencement of the war, to hold an international labor conference at the same time and place as that at which the peace conference would be held, attracted considerable attention and was endorsed by the Canadian Trades Union Congress and the French *Confédération Générale du Travail*. The proposal was considered by the Allied Supreme Council and resulted in the appointment of a commission of representative labor leaders of Great Britain, France, Italy and Belgium to make arrangements for an international labor conference. The conference was held at Leeds in July, 1916. This meeting declared that the peace terms should in-

\*For a discussion of the representation of peoples as well as governments in international organizations for the maintenance of peace, see pamphlet by Lowe entitled *Why International Peace Failed in the Past and Why it May Fail in the Future*, a reprint from the *New York Sun* of February 9th, 1919.

clude measures for the adequate protection of labor and urged the creation of an international commission to supervise legislation on labor immigration, safety, hours of work, and social insurance. It also emphasized the importance of an international labor office and recommended that the American Association for Labor Legislation be made the medium for the execution of its proposals.

The Swiss Federation of Labor convoked a conference at Bern, October 1, 1917, representing labor organizations of Denmark, Bulgaria, Bohemia, Hungary, Austria, Germany, Norway, Sweden, the Netherlands, and Switzerland. It demanded the enforcement of labor laws and proposed that the International Association for Labor Legislation be recognized in the Peace Treaty as the agency for the promotion and enforcement of labor legislation, and also that representation in the International Labor Office be given to the International Federation of Trade Unions.

The international labor movement in America is no longer confined to the United States and Canada. In November, 1911, a Central American Labor Congress was held in San Salvador. In November, 1918, the American Federation of Labor and Mexican labor unions convened at Laredo, Texas, the first Pan-American Labor Conference with representatives from the United States, Mexico, Columbia, Guatemala, Costa Rica, and Salvador. The purpose of the Pan-American Federation of Labor was declared to include the "establishment of better conditions for the working people who emigrate from one country to another" and the utilization of "every lawful and honorable means for the purpose of cultivating the most favorable and friendly relationship between the labor movements and the peoples of the Pan-American Republics." Another meeting was held in Mexico City during the week of January 10, 1921, and Mr. Samuel Gompers was re-elected president of the Pan-American Federation of Labor.

The American Federation of Labor at its convention in Atlantic City on June 20, 1919, endorsed almost unanimously the Covenant of the League of Nations and the labor clauses of the Peace Treaty after a long and earnest debate.

## INTRODUCTION

The first International Congress of Working Women was called by the National Women's Trade Union League of America at Washington, October 28—November 6, 1919. This conference passed resolutions concerning each item of the agenda of the Washington Labor Conference of the League of Nations and submitted recommendations to the Washington Conference concerning the amendment of Article 389 of the Peace Treaty with respect to the representation accorded to countries in the General Conference of the International Labor Organization of the League. The proposed amendment required that each nation represented in the General Conference should appoint "two delegates representing the government, one of whom shall be a woman; two delegates representing labor, one of whom shall be a woman; and two delegates representing the employers."

### *International Activities of Social Reformers, and of Private and Semipublic Associations.*

*Efforts of Individuals.*—Many persons in the capacity of social reformers or private citizens have exerted a great influence upon the movement for international labor legislation. Its pioneer advocate, Robert Owen (1771-1858) belonged to this class as did his contemporaries, Daniel Legrand (1783-1859) and Jérôme Blanqui (1798-1854). Names of men connected with the early history of the movement are Villermé, Hahn, Audiganne, Braber, Bluntschli, Wagner, Brentano, Wolowski, Dumas, Schoenberg, Thiersch, Adler, Albert de Mun, Vaillant and others. Through the efforts of many of these men\* the principle of international labor legislation was pressed upon the attention of governments.

*Congresses Called upon the Initiative of Private Persons.*—In 1897 a meeting was called at Brussels by persons interested in

\*Audiganne in 1856 published a book advocating laws for the international regulation of industry. Schoenberg in 1871 took up the discussion of international labor legislation in his *Arbeitsamter*. Thiersch, a theologian, petitioned the German Emperor to convoke an international labor conference. The work of the other men is discussed in connection with events mentioned in following chapters or footnotes. Cf. Ayusawa, *International Labor Legislation*, pp. 25-29.

the international labor movement (see p. 248). Although some men who had been delegates at the official Berlin Conference of 1890 were present, the Congress of Brussels had no official status. Its secretary was Professor Ernest Mahaim of the University of Liège, Belgium, who became one of the foremost leaders of the movement. As a result of this meeting, committees were formed to consider means of bringing about the establishment of an international labor office. The organization of an international labor office had been proposed to the Swiss Federal Council in 1889 and had been considered by the Berlin Conference of 1890, by the Congress of Zurich of 1897, and by other labor conferences. Moreover the Swiss Government had undertaken in 1896 to ascertain the attitude of several European countries toward the project with the result that two powers responded favorably, two thought the time inopportune, while the others were either opposed or undecided.

The work of the committees mentioned above led to the calling of a meeting under the direction of Professors Cauwés and Jay at the time of the Paris Exposition in 1900. It was at this International Labor Congress of Paris that the International Association for Labor Legislation was organized including a private International Labor Office established in 1901 and national sections (see pp. 249-252).

*International Association for Labor Legislation.*—The duties of the Labor Office included studying the development of labor legislation, publishing the results of its studies, and receiving and transmitting information pertaining to the creation and enforcement of international labor conventions. Each national section of the International Association strove for improved working conditions in its own country and at the same time supported the efforts of the Association which continued to work for international labor legislation as socialists, trade-unionists, government officials and private individuals had done before its formation. Under its scientific management the various efforts put forth in behalf of international legislation were co-ordinated and directed into channels that produced practical results. Governments were led to sign bipartite and polypartite labor treaties



## INTRODUCTION

making international labor legislation no longer a mere theory but also a fact. Between 1900 and 1912 the Association held seven regular international meetings of delegates (see Exhibits 11, 12, 14-18, pp. 252-316).

In June 1918 the International Labor Office without the approval of the members of the Association requested that a program of international labor legislation be incorporated in the Treaty of Peace and that the International Labor Office be made a part of the organization of the proposed League of Nations. This request was fulfilled by the Labor Covenant (Part XIII) of the Peace Treaty which made an official International Labor Office a part of the International Labor Organization of the League of Nations.

The American section of the International Association is known as the American Association for Labor Legislation (see p. 323). At the annual meeting of the American Association in Richmond, Virginia, December 28, 1918, the following resolution was adopted with reference to international labor protection:

WHEREAS, Maladjustments from which wage-earners suffer, such as inadequate wages, excessive hours of work, unemployment, and industrial accident and disease, are not confined to any one country; and

WHEREAS, These international evils know no frontiers, and national action against them needs to be supplemented and fortified by common agreement on minimum standards of labor conditions below which no person should be required or permitted to work; therefore, be it

RESOLVED, That the American Association for Labor Legislation urge that in international agreements there be incorporated minimum protective labor guarantees, including:

- (1) The principle of the living wage.
- (2) Three-shift system in continuous industries and one day's rest in seven in all occupations.
- (3) Regulation of working hours for women and young persons, and prohibition of night-work by them.
- (4) Prohibition of child labor.
- (5) Establishment of public employment offices and use of public work to prevent unemployment during the period of demobilization and other comparatively slack times.
- (6) Safety and sanitary devices in industry, and in transportation by land and water, including international use of automatic couplers on railroad trains, and the extension of the Seamen's Act.
- (7) Comprehensive systems of social insurance against accident, sickness, unemployment, old age, invalidity, and death.

## THE INTERNATIONAL PROTECTION OF LABOR

(8) Provisions for collection and publication of comparable labor statistics through the International Association for Labor Legislation and for the enforcement of international labor regulations through a League of Nations.

There are other semi-public and private associations\* which have labored for improvement in certain phases of industrial life and in many instances have co-operated with the International Association for Labor Legislation. Some of these societies were formed long before the International Association for Labor Legislation. The following are cited as typical examples of such organizations:

*International Federation for the Observance of Sunday.*—In 1876 the International Federation for the Observance of Sunday was organized at the Congress of Geneva which was called by a committee of the Evangelical Alliance and was attended by over four hundred delegates from Switzerland, France, England, Holland, Austria-Hungary, Germany, the United States, Norway, Roumania, Spain, Belgium, and Italy. Emperor William I. of Germany was officially represented by one of his ambassadors. Various industrial, social, philanthropic and labor organizations sent delegates. The question of the proper observance of Sunday was approached mainly from the religious standpoint, but the importance of Sunday rest from the standpoint of the needs of the workers has also been recognized and emphasized in various international conferences, notably those of 1900 and 1906 (see p. 54). Congresses on the observance of Sunday have been held at the following places: Geneva (1876); Bern (1879); Paris (1881); Brussels (1885); Paris (1889); Stuttgart (1892); Chicago (1893); Brussels (1897); Paris (1900); St. Louis (1904); Milan (1906); Frankfort on the Main (1907); Edinburgh (1908); Geneva (1911); Oakland, California (1915).

*Permanent International Committee of Social Insurance.*—This body was organized primarily for the technical study of the problems of social insurance. Its discussions have been published and from these much of value in the principles and practice of social insurance has been derived (see pp. 100, 143).

At the first International Congress on Labor Accidents held at Paris in 1889, a permanent committee was formed to continue

\*Cf. U. S. Bulletin, *opp. cit.*, pp. 83-115.

## INTRODUCTION

the movement for social insurance. Under the direction of this committee, now known as the Permanent International Committee of Social Insurance, congresses have been held at Bern (1891); Milan (1894); Brussels (1897); Paris (1900); Düsseldorf (1902); Vienna (1905); Rome (1908). To the Congress of Rome in 1908, official delegates were sent by twenty-five countries and nearly 1400 persons attended representing Argentina, Uruguay, the United States, Australia, Austria, Belgium, Canada, Nicaragua, Guatemala, Holland, Hungary, Italy, Japan, Luxemburg, Greece, Norway, New Zealand, Portugal, Roumania, Russia, Serbia, Spain, Sweden, Switzerland, China, Denmark, Finland, France, Germany and Great Britain. It was decided at the Congress of Rome to hold the general congresses at longer intervals and to organize national committees to meet more frequently for the purpose of discussing special topics. Under this plan committee conferences were held at The Hague in 1910 and at Dresden in 1911, and a meeting of members of the Permanent International Committee and the national committees, together with other specialists, was held at Zurich in 1912.

*International Congress on Occupational Diseases.*—The first International Congress on Occupational Diseases was held at Milan in June, 1906. On this occasion an association was formed under the name of Permanent International Commission for the Study of Occupational Diseases.

The purpose of the organization was\* "to hold international and national congresses for the study of occupational diseases; to study and assemble material on industrial and social hygiene; to institute at Milan a bibliographical service for the use of all interested in the study of occupational diseases; to publish a bibliographical magazine in French; to call the attention of authorities to the results of researches in industrial hygiene; and to make recommendations to learned societies thereon; and to bring to the public attention of governments, universities, hospitals, *etc.*, the efforts being made in this connection." This organization has formed national committees in various countries

\**Ibid.*, p. 109.

including Switzerland, Holland, Austria, Hungary, France, the United States, Bulgaria, Canada, Spain, Great Britain, Greece and Italy. Italian physicians and scientists have been the leaders in this organization. Its headquarters were located at Milan, Italy. The second international meeting was held at Brussels in 1910.

*International Association on Unemployment.*—The Italian Society, Umanitaria, held the first International Congress on Unemployment at Milan in 1906 (see p. 53).

In 1910 an International Association on Unemployment was organized at Paris. The headquarters of the Association were located at Ghent. The aim of the organization was to bring about the adoption of the measures most effective in preventing unemployment. For this purpose, it adopted the following methods:\*\* “(1) The organization of a permanent national office to centralize, classify, and hold at the disposition of those interested the documents relating to the various aspects of the struggle against unemployment in different countries; (2) the organization of periodical international meetings, either public or private; (3) the organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters; (4) the publication of essays and of a journal on unemployment; (5) negotiations with private institutions or the public authorities of each country with the object of advancing legislation on unemployment and obtaining comparable statistics and possibly agreements or treaties concerning matters of unemployment.”

National sections of the International Association on Unemployment were organized in sixteen countries before the end of 1913 (see p. 322). The International Committee of the Association held meetings at Ghent in 1911 and at Zurich in 1912. The first general assembly of the Association was convened at Ghent in 1913.

*International Home Work Organization.*—The permanent bureau of the International Congress of Home Work was created in 1910 by the Brussels Congress on Home Work. Resolutions

\*\**Ibid.*, pp. 111, 112.



## INTRODUCTION

were passed calling for\* "compulsory registration by contractors or subcontractors of all home workers, with the books relating to wages and description of work open at all times to the labor inspectors; establishment by joint committees for a limited period of time, of a minimum wage applicable to all average workers, the decisions of these committees to be enforced by a superior council; establishment of a standard of healthfulness in the different trades in order to determine the industries which should be either regulated or suppressed; prohibition of work of children under fourteen years of age and instruction of children up to this age." The permanent bureau was located at Brussels and it convened the second International Congress on Home Work at Zurich in 1912. The countries sending official delegates were: Portugal, Norway, Holland, Luxemburg, Japan, Italy, Hungary, Belgium, Chile, Denmark, France, Saxony, Sweden, the United States, Roumania, and Russia. The Congress divided into four sections each of which prepared resolutions on special topics assigned to it. The resolutions contained a "proposed act to regulate paid home work" for legislative adoption by the different countries. This act prescribed the conditions under which home workers should be registered by the employers and the regulations necessary for the protection of the home worker and the ultimate consumer of his product. The resolutions provided for protection from industrial poisoning; the prohibition of the manufacture of foodstuffs and tobacco by home workers; the compulsory notification of contagious diseases, and the precautions to be taken where such occur in home work shops, and a special system of inspection for home work. Also provision was made for fixing wage rates through special wage boards or through existing industrial councils.

The Congress urged that support be given to the trade-union movement among home workers and advised co-operation with consumers' leagues in "spreading the principles adopted by the Congress."

*Growth of Internationalism, 1890-1900.*—The period from 1890 to 1900 was one of extraordinary activity in the development of international organizations relating to all sorts of movements,

\**Ibid.*, p. 114.

of which the international labor movement was but one. As examples of international movements, some of which were organized previous to 1890 and all of which held meetings prior to 1900, may be mentioned the International Congress of Hygiene and Demography; the International Prison Commission; the Universal Postal Union; the International Co-operative Alliance; the International Railway Conference; the International Actuarial Conference; and the International Congress of Women. In Paris in 1900 during the World's Fair occurred an International Socialist Congress; the formation of the International Association for Labor Legislation; the International Congress for the Teaching of the Social Sciences; the International Congress of Ornithology; the International Congress of Navigation; the International Congress on Work or Assistance in Time of War; the International Co-operative Alliance; the International Congress of Arboriculture; the International Society of Physicists; the International Railway Congress; the International Actuarial Congress; the International Congress of Comparative Legislation; the International Congress on Chronometry; the International Congress on Private International Law; and many other international assemblages.

*Intergovernmental Action Respecting Labor*

The first official move for the realization of international labor legislation was made in 1855 by the Swiss Canton of Glarus which sent a communication to the Council of Zurich suggesting the international control of certain labor conditions. In 1876 the subject of international labor legislation was discussed by Colonel Frey before the Swiss Parliament and in 1880 he made a motion before the National Council directing the Federal Council to enter into negotiations with other countries with a view to establishing international factory laws. In 1881 the motion was favorably considered by the National Council and the Federal Council began soon after to ascertain the attitude of several other governments toward the project (see p. 19). The replies were not sufficiently encouraging to cause Switzerland to take any further action in the matter at that time. In 1887 and 1888 (see pp. 240-243)

## INTRODUCTION

the Federal Council made another attempt to interest other countries and upon receiving a more favorable response than in 1881, it proceeded to prepare for an official international labor congress to be held at Bern. The congress was cancelled, however, to give place to the Conference of Berlin (1890) which was called by the German Government.

In 1884 Count Albert de Mun discussed international labor legislation before the French National Assembly and in the next year leading French deputies including Proudhon, Camelinat, Boyer, Hugues, Basley, and Gilly responded by placing before the committee of the Chamber of Deputies a bill (see p. 239) relating to international labor law and favoring the action of the Swiss Government.

In 1871 Bismarck proposed to a representative of Austria that agreements fixing certain standards of social legislation be concluded between Germany and Austria. This proposed course of action was considered a few years later at a conference, but no such agreements between the countries were reached.

In 1885 Baron von Hertling championed the cause of international labor legislation in the Reichstag, but Bismarck was wholly opposed to the movement as being impracticable. In 1886 the Social Democratic Party proposed that the Reichstag adopt a resolution (see p. 240) calling upon the Chancellor of the Empire to convoke an international conference to formulate an international labor agreement. In 1889 labor disturbances threatened Germany, and the Imperial Government, as mentioned above, convened the first official international labor Conference at Berlin in 1890.

*Conference of Berlin, 1890.*—International labor legislation was discussed and resolutions (see pp. 244-248) were adopted by the delegates of the governments represented. This Conference did not have any direct practical results. It increased the general interest in the movement, however, and had an indirect influence in the formation of the International Association for Labor Legislation in 1900. Between 1890 and 1905 various unofficial labor congresses were held before the next strictly official labor conference was convened.

*Conferences of Bern, 1905 and 1906.*\*—As a direct result of the efforts of the International Association for Labor Legislation, an official Conference was called by Switzerland at Bern in 1905. It drew up draft copies (see pp. 174, 175) of international labor conventions which were amended and approved by the second official Conference of Bern in 1906. When ratified by the various countries, these two conventions (see pp. 175-180) concerning respectively the prohibition of the use of white phosphorus in the manufacture of matches and the prohibition of night-work for women in industrial employment became the first two multipartite labor treaties ever adopted. Some bipartite labor treaties had been adopted previous to this. Thus *The Movement for International Labor Legislation* (see Part I of this book) resulted in the creation of *International Labor Legislation* (see Part II). The United States was not a signatory to either of the Conventions.

In 1906 Great Britain attempted to bring about the formation of a permanent commission to gather information and in a general way to superintend the enforcement of international labor laws as well as to investigate matters in dispute (see pp. 118, 119, 122, 316-318). Although the British proposal was not adopted, it forms the basis in the history of international labor legislation for the labor clauses of the Peace Treaty which confer upon the International Labor Organization means for securing the enforcement of international labor conventions.

*Conference of Bern, 1913.*—The International Association for Labor Legislation prepared a program to serve as a guide in the creation of two more draft conventions for international adoption and the Swiss Government again took the initiative in calling an official conference. The delegates met at Bern in 1913 and, taking the program proposed by the Association as a basis, drew up and adopted two draft conventions concerning respectively the prohibition of night-work for young persons employed in industrial occupations and the limitation of day-work for women and young persons employed in such occupations (see pp. 318-321). A diplomatic conference for the official adoption of these conventions was scheduled for Sept. 3, 1914, but because of the

\*See Part II, Chapter I, entitled "Conventions Signed at Bern."



## INTRODUCTION

World War the conference was not held and no formal treaties resulted.

*Bipartite Labor Treaties.*—The International Association for Labor Legislation exerted an important influence in bringing about the formation of bipartite labor treaties. The question of a protective labor treaty between France and Italy was discussed by delegates from the two countries at the Second Delegates' Meeting at Cologne in 1902; and in 1904 the first bipartite labor treaty, drawn up by the French statesman, Arthur Fontaine, in conjunction with the Italian statesman, Luzatti, was ratified by their governments. This Treaty dealt with insurance and protection of foreign workers and with national laws regulating the conditions of labor. It was the first instance in which the movement for international labor legislation resulted in the actual adoption of a labor treaty as the Bern Conventions were not drafted and formally ratified until later. It should be noted that polypartite treaties such as the Bern Conventions make for greater uniformity of labor standards and are more difficult to create than bipartite treaties.

Agreements concerning the migration or recruitment of alien labor were entered into between Great Britain and France under date of October 20, 1906; between Transvaal and Portuguese Mozambique under date of April 1, 1909; between the United States and Japan under date of April 5, 1911; and between Spain and the Republic of Liberia under date of May 22/June 12, 1914.

By far the largest number of bipartite labor treaties concerned the equality of treatment of alien and native workmen with respect to the labor laws of the country giving employment. Several such treaties were savings bank agreements which permitted the transfer of deposits from the savings banks of one country to those of the other country without charge. Other treaties dealt with social insurance and accident insurance, making applicable to resident alien workers the laws of the country of employment, or granting to non-resident dependents of alien workers the benefits of the laws of the country of employment. Social insurance agreements and accident insurance agreements were adopted by the following countries (see Part II, Chapter II, entitled "Protective Labor Treaties"):

## THE INTERNATIONAL PROTECTION OF LABOR

France and Italy, April 15, 1904 (for text of Treaty see pp. 180-184).  
Switzerland and Italy, July 13, 1904 (p. 194).  
Germany and Italy, December 3, 1904 (p. 195).  
Germany and Austria-Hungary, January 19, 1905 (p. 195).  
Luxemburg and Belgium, April 15, 1905 (pp. 195-197).  
Germany and Luxemburg, September 2, 1905 (pp. 197-200).  
France and Belgium, February 21, 1906 and March 12, 1910 (pp. 200-202).  
Luxemburg and Belgium, May 22, 1906 (p. 197).  
France and Italy, June 9, 1906 (pp. 184-188).  
France and Luxemburg, June 27, 1906 (pp. 203, 204).  
Germany and the Netherlands, August 27, 1907 and May 30, 1914 (pp. 205-208).  
France and the United Kingdom, July 3, 1909 (pp. 208-210).  
Hungary and Italy, September 19, 1909 (pp. 210-214).  
France and Italy, August 9, 1910 (p. 156).  
Germany and Sweden, May 2, 1911 (p. 215).  
Germany and Belgium, July 6, 1912 (pp. 217-221).  
Germany and Italy, July 31, 1912 (pp. 221-227).  
Germany and Spain, November 30th, 1912/ Feb. 12, 1913 (p. 227).  
Italy and the United States, February 25, 1913 (p. 228).  
France and Switzerland, October 13, 1913 (p. 229).

A Treaty between France and Italy, June 10, 1910 (pp. 189-194), provided for reciprocal protection of children with respect to the labor and educational laws of each country, and a Treaty between France and Denmark, August 9, 1911 (pp. 215-217) subjected to arbitration disputes relating to their labor laws.

A convention was concluded at Paris, August 9, 1917, between France and the Republic of San Marino in order to insure to workers of the two countries compensation for injuries resulting from industrial accidents. An agreement was drawn up between Norway, Denmark and Sweden, February 12, 1919, respecting reciprocity in the matter of accident insurance. On September, 30, 1919, France and Italy signed a new labor Treaty\* which provided that the workers of either country, when employed in the other, should receive the same treatment as nationals with respect to labor conditions and social insurance benefits. The Treaty specified such reciprocity with reference to wages and working and living conditions, stabilization of labor markets, social insurance, acquisition of land, charitable aid, arbitration boards and labor laws, protection of children and adults, workers' taxes, and seamen and fishermen.

\*For the text of the Treaty, see the "Monthly Labor Review," (United States Bureau of Labor Statistics), Feb. 1920, pp. 47-53.

## INTRODUCTION

### *International Labor Organization of the League of Nations.*—

On January 18, 1919, the Peace Conference formally opened, and at its second plenary session a commission was created to study international labor legislation. Samuel Gompers was the president of this Commission which submitted its report to the Peace Conference dated March 24, 1919. This report recommended the inclusion in the Peace Treaty of labor clauses creating an International Labor Organization in conjunction with the League of Nations (see p. 101 *et seq.*). This recommendation was adopted and the labor clauses (see p. 401 *et seq.*) constitute what is popularly termed the "Labor Charter" (Part XIII of the Peace Treaty).

Every member of the League of Nations subscribed to the following nine fundamental principles:

FIRST.—The guiding principle above enunciated that labor should not be regarded merely as a commodity or article of commerce.

SECOND.—The right of association for all lawful purposes by the employed as well as by the employers.

THIRD.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

FOURTH.—The adoption of an eight-hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

FIFTH.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

SIXTH.—The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.

SEVENTH.—The principle that men and women should receive equal remuneration for work of equal value.

EIGHTH.—The standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.

NINTH.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

## THE INTERNATIONAL PROTECTION OF LABOR

*First International Labor Conference of the Labor Organization of the League of Nations, Washington, D. C., October 29-November 29, 1919.*—On August 11, 1919, President Wilson cabled an official invitation to thirty-four countries to send representatives to the first official labor conference of the League of Nations. The United States was not represented by official delegates at this meeting and cast no votes as it had not signed the Peace Treaty nor become a member of the League of Nations. The Conference invited employers and workers of the United States to send delegates. Employers did not respond to the invitation. Mr. Samuel Gompers was appointed to represent the workers. Hon. William B. Wilson, Secretary of Labor of the United States, was made president of the Conference. The countries represented by delegates were: Argentina, Belgium, Bolivia, Brazil, Canada, Chile, Czechoslovakia, China, Cuba, Columbia, Denmark, Ecuador, Finland, France, Great Britain, Greece, Guatemala, India, Italy, Japan, Holland, Nicaragua, Norway, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Salvador, Siam, Serbs-Croats-Slovenes, South Africa, Spain, Sweden, Switzerland, Haiti, Panama, Uruguay, and Venezuela.

The Washington Conference adopted six draft conventions for ratification by members of the League of Nations and six recommendations.\*

The first draft convention "limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week" applied to persons "employed in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed." By its provisions the eight-hour limit could be exceeded on some days by not more than one hour, if there occurred a corresponding decrease in the number of hours required on other days, thus making possible a forty-eight-hour week with a Saturday half-holiday. For persons employed in shifts the day might be extended beyond eight hours provided the average number of hours over a period of three weeks did not exceed forty-eight hours per week. Exceptions were allowed for accidents,

\*For copies of the draft conventions and recommendations, see the Supplement (p. 400).



## INTRODUCTION

emergencies, or *force majeure*, in so far as necessary to avoid serious interference with the ordinary work of the undertaking. A special exception also was allowed in continuous industries provided that the working hours did not exceed fifty-six hours in the week on the average. Other exceptions were allowed so as to make the convention sufficiently elastic for application to the various industries of the different countries. It furthermore required each employer to post notices stating the conditions of employment in his industry. Each signatory agreed to apply the convention to its colonies, protectorates, and possessions, with necessary exceptions. Ratifications were to be registered with the Secretary General of the League of Nations and the latest date fixed for the convention's going into effect was July 1, 1921. The agreement permitted denunciation after the expiration of ten years.

Special exception and delays in the adoption of the convention were allowed for special countries, the industries of which were so undeveloped as not to permit its application on equal terms with other members of the League. These special countries were: Japan, India, China, Persia, Siam, Greece, and Roumania.

The second draft convention concerned unemployment and required that each signatory should communicate to the International Labor Office, as often as once every three months, all available information concerning unemployment and the measures contemplated for combatting it. Another provision stated that "each member which ratifies this convention shall establish a system of free employment agencies under the control of a central authority," co-ordinated with the International Labor Office, while a third Article provided for an agreement upon terms whereby subjects of one of the contracting parties working in the territory of the other could be admitted equally with citizens of the State to the benefits of unemployment insurance. The date fixed as final for bringing the convention into effect was July 1, 1921.

Besides the draft convention a recommendation concerning unemployment was adopted to the effect that the establishment of private employment agencies charging fees should be prohibited,

and that those already established should be required to obtain government licenses and should be abolished as soon as possible; that the recruitment of bodies of laborers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries; that each member of the International Labor Organization should establish an effective system of unemployment insurance; and that each member should reserve as much public work as practicable for periods of unemployment.

The second recommendation advised each member reciprocally to grant to alien workers the benefits of protective labor laws and the right of lawful organization as enjoyed by its own workers.

The draft convention concerning the employment of women before and after childbirth was the first polypartite labor convention proposed to apply to commercial undertakings as well as to industrial undertakings. According to its provisions a woman should not be allowed to work within six weeks following her confinement and she should be privileged to leave work six weeks before confinement, and to receive adequate benefits during these periods together with proper protection against any unjust dismissal by her employer. Moreover, half an hour twice each day during working hours must be allowed such women for the purpose of nursing their children.

The draft convention concerning the employment of women during the night was adopted to supersede the Bern Convention of 1906; but in reality it constituted an extension of that Convention providing a rest period of at least eleven consecutive hours including the interval between ten o'clock in the evening and five o'clock in the morning. The main provisions of the Bern Convention remained unaltered (see Chapter I of Part II). The clause of the old Convention limiting its application to undertakings employing more than ten men or women was removed so as to make the new convention apply to all industrial undertakings excepting only those in which only members of the same family are employed. The definition of "industrial undertakings" was restated so as to make it apply to all industrial undertakings within the sphere of application of other conventions.

## INTRODUCTION

Two other recommendations were adopted; one was for the prevention of anthrax, and the other for the protection of women and children against lead poisoning. The latter urged the exclusion of women and young persons under eighteen years of age from employment in processes using lead compounds. Where such employment occurs, the regulations necessary to prevent poisoning were prescribed.

The fifth recommendation advocated the establishment of efficient factory inspection and government service for safeguarding the health of workers; and the sixth recommendation advised each member of the International Labor Organization to adhere to the Bern Convention prohibiting the use of white phosphorus in the manufacture of matches.

By the terms of the fifth draft convention, "children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed." Special exceptions to this were allowed in the cases of Japan and India. The convention required employers to keep a register of all employees under the age of sixteen. The date for the convention going into effect was fixed for not later than July 1, 1922.

The sixth draft convention concerned the night-work of young persons in industry and prohibited the employment during the night of young persons under eighteen years of age. The Bern draft convention of 1913 (see pp. 318-320, also, p. 131 *et seq.*), which constituted the basis for the formation of this convention, had fixed the age limit at sixteen instead of eighteen. The Washington convention made exceptions for steel works, glass works, paper and raw sugar manufactories, and gold mining reduction work, in which young persons over the age of sixteen could be employed. The term "night" was defined as signifying "a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning." Special exemptions were allowed for Japan and India. The prohibition of night-work for young persons over sixteen years of age could be suspended in case of serious emergencies. There were also special provisions applying to workers in coal and lig-

nite mines and bakeries. The date for bringing the provisions of the convention into operation was set for not later than July 1, 1922.

*Second International Labor Conference of the Labor Organization of the League of Nations, Genoa, June 15—July 10, 1920.*—The official Conference of Genoa was devoted exclusively to the consideration of protection for seamen. Three draft conventions and four recommendations were adopted.\*

The first recommendation favored the adoption of the eight-hour day and forty-eight-hour week in so far as possible in the fishing industry, and the second recommendation advocated the same measures for workers employed in inland navigation. The third recommendation asked each member of the International Labor Organization to codify seamen's laws and regulations. The fourth recommendation urged the adoption of unemployment insurance for seamen.

The first draft convention fixed fourteen as the minimum age for the admission of children to employment at sea. The date for enforcement of its terms was fixed for not later than July 1, 1922.

The second draft convention provided unemployment indemnity for seamen to be paid by the employer in case of the loss or foundering of a ship. Members ratifying the convention engaged, whenever possible, to apply it to colonies, protectorates and possessions with necessary modifications. The final date for the convention coming into force was set for July 1, 1922.

The third draft convention was adopted with a view to establishing facilities for finding employment for seamen. Employment agencies charging fees for profit were prohibited unless licensed by the government. The establishment of free public employment bureaus was required. Committees representing shipowners and seamen were to give advice concerning the administration of these bureaus. Freedom of choice of ship must be allowed to seamen and the benefits of employment agencies must be accorded to the seamen of all countries adhering to the convention where industrial conditions are approximately the

\*For copies of the draft conventions and recommendations, see the Supplement.



## INTRODUCTION

same. Furthermore the convention required that all available information concerning seamen's employment be communicated to the International Labor Office. The date for the convention to take effect was set for not later than July 1, 1922.

A proposed convention establishing an eight-hour day and a forty-eight-hour week for maritime workers in general failed at the Conference of Genoa to obtain the two-thirds vote necessary for its adoption although the majority of governments voted with the workers in favor of it. Experience in the meetings of the General Conference at Washington and Genoa has shown the fear that governments would vote solidly with employers to be unfounded. Government delegates have frequently been divided in their vote and have tended to support workers' delegates quite as much as employers' delegates in the various issues that have arisen.

In August, 1920, the International Seafarers' Federation held a meeting in Brussels at which, because of the failure of the Conference of Genoa to adopt the above-mentioned convention, it was decided to commence in every country agitation for an eight-hour day and a forty-eight-hour week at sea with a forty-four-hour week in port and to ask Mr. Thomas, the director of the International Labor Office, to co-operate in bringing about a conference between shipowners and seamen in order to reach a satisfactory agreement on this issue. In the event of failure to reach a settlement the Congress decided that a general strike should be called. The action of the Federation in referring the matter to the International Labor Office was another evidence of the confidence of labor in the International Labor Organization.



## PART I

### THE MOVEMENT FOR INTERNATIONAL LABOR LEGISLATION





## CHAPTER I.

### THE MOVEMENT DEFINED

At the time of the outbreak of the World War in 1914, there was no international law of labor, nor, in fact, had there ever been; because no code of economic principles or legal enactments, for the protection of labor, had ever been so generally accepted as to attain to the authority of international law. That status can be acquired only when, by the common consent of civilized nations, a specific body of protective labor measures is recognized as of universal obligation. Nevertheless there was a system of international labor law that could be said to be in the process of making; for there existed a body of labor legislation, the result of treaties and other international agreements, which bade fair to fulfill at some time the conditions of international obligation.

When, by international convention, ten European countries and thirty-two dependencies had agreed to prohibit the use of the poison, white phosphorus, in the manufacture of matches, and at the same time, twelve Governments and eleven colonies had adhered to an agreement to establish a uniform night's rest of eleven hours' duration for women in industry, it was obvious that certain protective labor measures had reached an advanced stage of international enactment, even if they had not been widely enough accepted or long enough enforced to acquire the prestige of international law in the technical sense of the term.\* The measures referred to are commonly known as the Bern Conventions of 1906. Their event was so satisfactory that proposals were drafted similarly to prohibit the night-work of young persons and limit the day-work of women. In 1913, the year in which tentative outlines to this effect were revised and approved at an intergovernmental conference with the prospect of their incorporation into conventions by an official Diplomatic Assembly in the following year, it did not seem to require any severe

\*This was the situation in 1914 before the War.

exercise of the mental powers of the average man or woman to foresee the time when regulations established for the protection of labor should become of such common acceptance and binding authority as to accede to the dignity of international law. And although the war was responsible for a serious break in this as in all fields of international co-operation, the work of the international labor movement, which was among the younger of international movements when the conflict broke and about which less was commonly known, still remained such as to entitle it to a wider recognition than it had received.

To say that there was no international law of labor is not to say that there had been no international law which had directly affected labor or incidentally protected labor. Treaties had not infrequently specified, or identified with international law, rules in respect to the treatment of aliens, sailors, or agents directly concerned with some phase of international intercourse. Maritime codes, regulations governing diplomatic agencies, war codes, all had rules which affected labor or employees in some capacity or other.

But the movement of which we speak, and the laws enacted in pursuance of it, were distinguished by the following characteristics:

1. International protection of labor was the principal motive and aim.
2. Measures enacted were the result of organized propaganda to this end.
3. The laborers first considered and most directly benefited, were employees of industry defined as primarily manufacturing, mining and quarrying; although treaties on social insurance covered workers in still other provinces, including particularly transportation.

Efforts in behalf of laborers within the domain of these spheres had constituted the essential activities of the international protective labor movement. The movement was, however, constantly invading related realms and was not loath to identify itself with any specific international undertaking that might prove a factor in the realization of its aims; as, immigration treaties, congresses

of the medical fraternity, Christian organizations, social workers, socialist parties, *etc.*

Agitation for international labor reform has profited much by motives other than that of protecting labor, and some there may be who would characterize this as the lesser and incorrect one by which to distinguish the movement. They would maintain that the accommodation of a nation rather than the laboring portion of a nation, is the essential motive lying underneath and behind protective enactments; that the purpose dear to the heart of each country is the conservation of its own industrial resources necessary to effective competition in world markets and the maintenance of its relative position and industrial prestige. The reform has owed much to this incentive, particularly in its origin. Some believe they have discovered in labor protection a means of eliminating those grievances which precipitate strikes and industrial crises within the nation. The more common trend of argument is as follows: A nation needs industry; industry needs labor; labor must be protected or industry will fail; international competition, becoming daily sharper, tends to drive each nation to grind the working class down under a load of exhausting toil and excessive hours, exploiting men, women, and children, as instruments of cheap and copious production without regard to their rights as human beings. But the inevitable consequence of this is either the destruction or serious impairment of the efficiency of the labor force, by which, in either case, the very foundations of national industry itself are undermined. On the other hand, if a nation places restrictions on industry to protect labor, and other nations do not do likewise, the humane nation is easily outclassed by unscrupulous competitors and falls behind in the industrial race. Tersely stated, the dilemma resolves itself to this: (1) Fail to protect labor and ultimately ruin industry; (2) Protect labor and lose industrial prestige. Even at this, the second should be recognized as the lesser of the two evils; but when the "deluge" can be postponed to the next generation and the profits reaped by this, the temptation is to pin faith to the first horn of the dilemma. And so after studying the difficulty, wiseacres have concluded that the only escape compatible with the maintenance of industrial prestige in international markets and

the salvation of national industry is to be found in international labor agreements whose impartial application to the competitors of every country will tend to preserve the relative industrial standing of each in spite of whatever diminution of output such protection may involve.

It is a process of reasoning based upon facts, and which reaches sound conclusions as to what ought to be done in a majority of cases; but it makes industrial efficiency rather than protection of labor the justification and chief end of the protective movement. The results are substantially the same, whichever motive is adopted, until we come to an exigency where it is conceived that the attainment of greater industrial efficiency, even though it be temporary, at the cost of sacrificing labor, is the preferable course to pursue. For example, a nation without protective law might decide to continue thus to take advantage of nations with protective law, and risk the consequences to its laboring population, relying possibly upon an abnormal ability to supply its labor market. Again, there may be cases in which advantage will result from such exploitation during the period of an employer's lifetime, and so from selfish motives, he may be led to obstruct moves that, in effecting the protection of labor, trespass upon his own profits. Thus loyalty to the doctrine of justification by efficiency rather than to justification by protection may become vicious and retard the protection of workers.

Very certain it is that loyalty to labor and to humanity will, in the long run, be found to be entirely compatible with loyalty to national industry; but loyalty to national industry in the short run, may not be compatible with loyalty to labor and humanity; and men are tempted to be swayed by the profits of the short run, especially when that run is co-extensive with their lease on life. Up to this point we have considered the employing class and the working class as having a common national interest connected with their separate group interests. But if we take an entirely different view of the situation and consider the employing class as an international group devoid of national interests or at least placing class above national interests, it still remains true that in the long run the preservation of the health and happiness of the workers by protective law will be highly



advantageous to the employer as well as to the best interests of the worker. Therefore, the motive which is safe under all circumstances, and should predominate, is that of protecting labor, which is, after all, the principle that has animated the great leaders of the international labor movement.

The conditions which gave rise to the need for such a movement were economic and constitute a field of history which has been thoroughly treated. However, we make no apology for selecting from facts of common knowledge some of the most striking, with which to sketch a partial picture of the economic origins of today's industrial phenomena, because of their vital connection with the subject matter of our interest.

What is to history a comparatively short time ago, 150 to 200 years, there were in England no factories, no great machines, no steam engines, no hordes of men, women and children crowded within four dingy walls to begin work at the sound of a whistle. The domestic system of manufacture prevailed. The spinning of yarn and thread, the weaving of cloth, the shaping of earthen and metal ware, were all processes carried on in the homes of the townsmen and inhabitants of the rural districts. These products were either sold to the agents of some shipping merchant, or the producer went out to seek his own market. The machinery used was very crude, merely a wooden frame operated by hand or foot power. The craftsman was his own master with regard to rules of production and the ordering of his hours of labor. Master craftsmen, journeymen, and apprentices belonged to the same social class and every worker had the promise of becoming a master in his own trade some day. Then came a momentous change. Between 1750 and 1800, there occurred the most remarkable period of industry-changing devices known to history. In regular succession, Kay brought forth the shuttle drop box (1760); Watt, the improved steam engine (1761-1769); Hargreaves, the spinning jenny (1767); Arkwright, the roller spinner (1769); Crompton, the mule spinner (1779); Cartwright, the power loom (1784); Whitney, the cotton gin (1793); Roebuck, new smelting processes; Lavoisier, important chemical discoveries, *etc.* These inventions revolutionized the whole field of industry: instead of the wooden frame

in the home, now the huge machine of iron; instead of supplying power with hand or foot, it now became necessary to place these monsters beside the waterfall, or adjacent to the steam engine where the 100 and 1000 horsepower could be applied; instead of the little family group plying their daily tasks about the home, father, mother and children were obliged to betake themselves to the factory to work twelve, fourteen, or sixteen hours a day under new and strange conditions too often working the havoc of moral and physical degeneration upon their victims.

Viewed in historical perspective, so sudden and unexpected was this transition, so extensive and irresistible the change, that thousands of the laboring masses unable to adjust themselves to the new régime or to compete with factory-made goods, found themselves crushed under what to them was the "Juggernaut" of great machinery and capital. Although certain of the characteristics of war were lacking, this transition has nevertheless been termed a revolution, an industrial revolution, none the less momentous in its consequences than any of the great revolutions of history and entailing in its wake none the less of destruction and misery than any of the wars of the early Britons.

Under the domestic system it had been customary for the family to own a small plot of ground or to use the common pastures and open fields, from which were obtained directly the partial means of its subsistence. But contemporaneous with the industrial revolution, there occurred a widespread agricultural enclosing movement. The homesteads and publicly used lands were consolidated by the gentry and landowning classes into large estates and farms worked on a capitalistic basis. Wretched as had been the condition of the handicraftsman in the domestic stage, it held no comparison to the misery of the new order. Deprived of the ownership and free use of land, face to face with the relentless competition of a new industrial era, they of the domestic system came to realize that they could not hold their own against the factory régime; neither could the laborer any longer look forward to the time when he could be a master in his craft; it was now necessary to have capital to purchase machinery and other appurtenances with which to set up independently in business. That capital the laborer in general could not

hope to command. An impassable gulf seemed to be yawning between the employer and the employed. The masses faced the classes in sullen envy and distrust.

Co-eval with the advent of the new order of things went the influence exerted by the epoch-making work of Adam Smith, *The Wealth of Nations* (1776). The physiocrats' doctrine of *laissez faire* was exalted, while the theories of the mercantilists waned. Unprotected by legal enactments and at the mercy of employers who were themselves victims of unrestrained competition, under unjust treatment and unjust laws, under the intense selfishness exhibited by the controlling classes, in the shops and in the factories, employees gradually became educated to the doctrines of collective resistance and collective bargaining. Class consciousness took definite shape. Trade unionism was evolved. Outlawed by governments and oppressed by courts, organizations, spasmodic, secret, timid, nevertheless continued to increase. Nourished by oppression, unionism was but an infant learning to exercise its arms and limbs, but it was an infant of a giant race. Society and government found themselves face to face with phenomena with which they did not know how to deal. Between 1800 and the present time, there has been written in the legislative records of the great industrial nations the history of the struggle to render the large-scale system of production compatible with the welfare of the wage-earner. Laws covering child labor, factory inspection, social insurance, the work of women, the limitation of the workday, occupational diseases, *et cetera*, have rapidly multiplied.

Different countries reflect all the different stages of development of labor regulation, but national and local labor legislation of some kind has become a common factor in the economic life of every civilized community. More or less distinct types of labor laws have had initial development among different national groups. In Great Britain, France, and the United States, protective labor law tended at first to favor women and children; skilled craftsmen have bettered their conditions of employment by collective bargaining and by the exercise of pressure on legislative bodies. Another group of countries was primarily concerned with the general insurance of labor against the risks

of industrial life; *i. e.*, accidents, sickness, disease, *etc.* This class of States is represented by Germany, Austria, Hungary, and the Scandinavian powers. Another group has had markedly socialistic tendencies in the administration of labor regulations, as is the case with Australia and New Zealand. These legislations widely divergent in their inception have continued to converge more and more in their adoption of certain fundamental principles. And now the time has come when economists are fully aware that in a world of international markets and international industrial competition, there are conditions of production that can be most effectively controlled in the interest of labor, as well as of others concerned, by international agreements.



## CHAPTER II

### GENESIS OF THE MOVEMENT

#### *Origin of the International Labor Movement*<sup>1</sup>

IN 1818, when the statesmen of Europe assembled at Aix-la-Chapelle to attempt one of the periodic adjustments of the affairs of that continent, a pioneer in industrial reform addressed to the Congress a petition, unique in its declaration that a prime task for the governments of Europe was the international fixation of the legal limits of the normal workday for the industrial classes of Europe. The person through whom a proposition of this order thus found initial expression before an international assembly, was the noted philanthropist and social worker, Robert Owen;<sup>2</sup> but although standing as he did, the prophet of a new order of diplomacy, the statesmen of that day spared but scant attention to his proposals and gave to them no practical result. After a lapse of several decades, Mr. Owen drew up a declaration entitled: "A LETTER ADDRESSED TO THE POTENTATES OF THE EARTH IN WHOM THE HAPPINESS AND MISERY OF THE HUMAN RACE ARE NOW INVESTED; BUT ESPECIALLY TO AUSTRIA, FRANCE, GREAT BRITAIN, PRUSSIA, RUSSIA, SCANDINAVIA, TURKEY, AND THE UNITED STATES OF NORTH AMERICA; BECAUSE THEIR POWERS ARE NOW AT PEACE WITH EACH OTHER, AND COULD WITHOUT WAR, EASILY INDUCE ALL THE OTHER GOVERNMENTS AND PEOPLE TO UNITE WITH THEM IN PRACTICAL MEASURES FOR THE GENERAL GOOD OF ALL THROUGH FUTURITY," in which among other things he said: ". . . if you will now agree among yourselves to

<sup>1</sup> Cf. L. Chatelain, *La Protection internationale ouvrière*. Chapters II and III. E. Mahaim, *LeDroit international ouvrier*, p. 183 et suiv.

<sup>2</sup> *Supplementary Appendix to Vol. I. of the Life of Robert Owen*. pp. x-xii, 209-222.

call a congress of the leading governments of the world, inviting those of China, Japan, Burma, *etc.*, and to meet in London in May next, I will, should I live in my present health to that period, unfold to you at that congress the natural means by which you may now, with ease and pleasure, gradually create those surroundings in peace and harmony, which shall have a perpetual good and superior influence upon all of our race." This proposal was not adopted.

Apart from Mr. Owen's own efforts, the idea of international co-operation for the control of industrial conditions was not seconded in any signal manner<sup>3</sup> until a Frenchman, Daniel Legrand by name, a manufacturer of Steinthal, Alsace, also undertook the task of impressing upon men of affairs the urgent need of such co-operation for industrial welfare. Imbued with the idea that in European industry there were conditions which were not susceptible of proper regulation by the individual action of nations, but which would readily lend themselves to such regulation under an accord of the powers, Mr. Legrand addressed various memorials to this effect (1840-1847) to the governments of Europe, memorials which suffered much the same fate as those of Mr. Owen, but which received from their author a vigorous sequel in the form of a letter sent not only to French authorities, but also to the Cabinets of Berlin, St. Petersburg and Turin. This letter was published four times in the years 1853, 1855, 1856, and 1857, respectively. It boldly stated the position that the solution of the problem of according to the laboring classes the moral and material benefits that are desirable, must be found in international labor law, without which industry suffers and the international competition of manufacturers escapes needed limitations; and that moreover things principally to be striven for comprise: ele-

<sup>3</sup> *A.d.*=*Archives diplomatiques*, 1890 (2 Serie), t. XXXVI, p. 36-40.

The idea of international co-operation for the abatement of certain factory evils was expressed by the Frenchman, Villermé, who undertook, under the auspices of the Academy of Social and Political Science, an inquiry into the conditions of the laboring classes in the textile industry, and made his report in 1839. He said, however, that such "disinterestedness" was not to be counted upon, as it was without precedent.

Blanqui in his *Cours d'économie industrielle* (1838-1839) suggested international treaties to regulate conditions of competition. (See Mahaim, *E-Le Droit international ouvrier*, p. 188-189.)

mentary schools; instruction of young workers up to the time of their confirmation; Sunday schools for all ages; protection of the moral and material interests of the labor class by international legislation; the Gospel received into the heart and home of the laborer and his employer; Sunday rest; encouragement of the life and industry of the family by the State and by manufacturers; the extension of the benefits of savings banks to every locality; and old-age pension funds; concurrent with the attainment of all which, it is essential that there be the firm suppression by an international law on industrial labor, of the evils suffered by the laboring people including lack of instruction and education, child labor in factories, excessive labor, night-work, Sunday work, and the absence of proper age limits.

This array of wrongs, according to Mr. Legrand, could be remedied in part at least by the international adoption of provisions such as the following: the total prohibition of the work of male children under ten years of age and of females under twelve; the limitation of their work to six hours in twenty-four until thirteen years of age; the extension of the length of the workday to ten hours upon their attainment of the age of fourteen, with provision for a nooning of at least one hour; the proper certification of the age, school, and employment records of young employees; limitation of the work of adults to twelve hours in twenty-four, none of which labor should be required prior to 5:30 a. m. or subsequent to 8:30 p. m.; the interdiction of Sunday, or night-work for young people under eighteen years of age and for the feminine sex altogether; proper regulation of unhealthy and dangerous trades, *etc.* Most of the reforms advocated by Mr. Legrand have since become the object of international investigation and some of them; *e.g.*, the night-work of women and old-age pensions, of international enactment.

To find the next noteworthy expression of this idea of protecting labor by measures international in scope, we must turn to a Swiss report addressed in 1855 to the Cantonal Council of Zurich by a Commission of the Canton of Glarus.<sup>4</sup> An international *concordat* to regulate the length of the workday, child labor, *etc.*, was suggested by this report, which also remarked the fact that

<sup>4</sup> *Ibid.* t. XXXVI. p. 40-41.

competition between spinners could not be satisfactorily controlled without the creation, by international understandings, of greater uniformity in conditions of production; but since such an idea in that day and age of the world belonged to the category of "vain desires," it remained the duty of the moment to strive for greater uniformity in a sphere more limited. A movement for intercantonal labor legislation which originated in Glarus in 1852 may account for the interest shown by this Canton in the subject of international control.<sup>5</sup>

Soon thereafter (1856), in Belgium, Mr. Hahn introduced the subject of international labor regulation before an international Congress of benevolent societies convened in Brussels, with the result that the idea was discussed and officially endorsed by the Congress.

In the following year (1857) Germany witnessed the approbation of the idea by a Congress at Frankfort. The question succeeded to further publicity in that country in 1858 as a result of the publication of Bluntschli's Dictionary of Political Science, which dealt with the matter of international agreement on labor regulation. In the same year, Bluntschli and Bräber, both advocates of doctrines of the socialist professors, broached the question of Sunday rest and came to the conclusion that practical results could be obtained only by an international agreement on the subject. Other German professors to add thought to the movement were Adolph Wagner and Brentano, the former proposing in his work, *Rede über die Sociale Frage*, the protection of labor's class interests by international agreements in such manner as would not be injurious to national industry, while the latter outlined, in his *Handbuch der Politick Oekonomie*, the program of the Christian Socialist Labor Party, championing the prohibition of Sunday labor, the suppression of the factory work of minors and married women, the placing of certain limitations upon the work to be required of a laborer in a day, protection for national labor; and propaganda for the internationalization of protective labor laws.

In 1866, the International Workingmen's Association, known as the International, founded two years previous in London at a

<sup>5</sup> *Ibid.* t. XXXVI. p. 47.



## GENESIS OF THE MOVEMENT

meeting of trade-unionists representing different countries, met at Geneva and formulated a series of resolutions to be thereafter included among the demands of labor. These resolutions embraced a maximum workday of two hours for children between nine and thirteen years of age, of four hours for those between thirteen and fifteen, and of six hours for those between sixteen and seventeen; the prohibition of the night-work of women and of all labor injurious to their health; a maximum workday of eight hours for all laborers and the prohibition of night-work, exclusive of necessary exceptions for certain industries. The Association also proceeded by manifesto to proclaim its conviction of the need for international labor regulation; this it continued to do in subsequent meetings, in which, as also in the Baltimore Convention (1866) of the National Labor Union of America, the idea of international co-operation was approved in a manner very encouraging to proponents of the principle. These early proposals for banning the night-work of women in connection with the recommendation of international co-operation are significant in the light of the international Convention on the subject signed forty years later. Karl Marx delivered the "inaugural address" before the Congress of Geneva and this phase of the international labor movement developed into socialism.<sup>6</sup> The securing of the adoption of international labor legislation by the existing governments became merely an incidental aim of socialism's political program.

<sup>6</sup> In the *Bulletin of the United States Bureau of Labor Statistics, No. 268 (Miscellaneous Series)*, Mr. Leifur Magnusson says: "The political phase of the international labor movement, as stated previously, developed into what is known as socialism. Beginning with the efforts of English and French workers to improve their working conditions, it gradually passed into a movement to change the principles underlying the present organization of society. This is still the theory of those members of the labor movement who have guided and participated in the international congresses. . . . The discussions and resolutions of the congresses, for instance that of Copenhagen, 1910, now deal almost wholly with the problems of reform through labor legislation and trade-union action. The larger political questions of the ballot, disarmament, and universal peace are less prominent than the economic questions of trade-union organization, co-operation, and wealth distribution." p. 64. See also pp. 34-64. For a discussion of the international trade-union movement, see pp. 65-82.

Other congresses called by the Socialist International are as follows: The Congress of Lausanne (1867) at which some concessions were made to the collectivists or state socialists; the Congress of Brussels (1868), where distinctly socialistic principles were adopted; the Congress of Basel (1869), in which Bakunin and other anarchists joined and to which the American National Labor Union<sup>7</sup> sent Mr. A. C. Cameron as the first American delegate to an international labor conference; the Congress of The Hague (1872), on which occasion the anarchists were excluded from the International and its General Council was removed to New York; the Congress of Geneva (1873), where socialists and anarchists held opposition meetings showing the strife that was causing the disruption of the First International; the Congress of Brussels (1874); the Congress of Bern (1876); the Congresses of Verviers and Ghent (1877); and the Congress of Chur (1881), which was the last of the ten congresses having any distinct relation to the original International. A group of socialists held a conference at London in 1871, and some anarchists met at St. Imier in 1872. After the dissolution of the old International, congresses representing both socialists and trade-unionists were held at Paris in 1883 and 1886, and at London in 1888. A second Socialist International was organized at Paris in 1889. It has held congresses at Brussels (1891); at Zurich (1893); at London (1896); at Paris (1900); at Amsterdam (1904); at Stuttgart (1907); at Copenhagen (1910); and at Basel (1912). Its meetings were resumed in February, 1919. American participation in the career of the First International had no important results. It caused a certain degree of co-operation among European labor interests to check the activities of the American Emigrant Company which was engaged in importing into the United States contract laborers to be used to meet employers' needs arising from strikes. As is well known, under the pressure of labor organizations, the Government finally prohibited the immigration of this class of workmen.

Various international trade-unions have also held international congresses, not so much, however, to further the enactment

<sup>7</sup> *Documentary History of American Industrial Society* by Commons and Andrews, Vol. IX, pp. 43-46, 338.

of international laws in general protection of labor as to put forward measures pertaining directly to occupational interests or to political party propaganda. For example, since 1890, the miners have held regular international congresses, a number of which have been under the domination of radical socialists. It is our purpose to discuss those assemblies and efforts that aim principally at international legislation as a means of properly safeguarding the interests of the laboring class, noting at the same time other meetings and events by which the idea of international protection has been advanced.

In the year after the meeting at Lausanne, a French economist, Louis Wolowski, recognizing in foreign competition a condition compelling the industrial exploitation of children, young people, and women, intimated that unanimity of action to remedy the unfortunate situation, after the example of the measures internationally adopted for the suppression of the slave trade, constituted a consummation devoutly to be desired. So many treaties appeared to him to have been concluded with the aim of killing men that he wished to be able to witness the adoption of similar means to enable mankind to live, although in his estimation the international competition of industry had not as yet reached the dreadful pass of sacrificing human life. In 1873 he submitted his idea of international regulation to the French National Assembly, and in the following year Mr. J. B. Dumas likewise submitted a petition to the same Assembly, embodying a similar appeal.

By the end of the period (1871-1874) Bismarck and the Austrian Government had failed to reach an agreement by negotiation with reference to certain standards of labor legislation.<sup>8</sup> Although an incident of this character might seem to a novice, like the first moves of pawns in a game of chess, of little serious import, it was nevertheless a portent of greater things to come.

The same truth was illustrated by events in Switzerland. Twenty-one years after the seemingly fruitless manifesto from the Swiss Canton of Glarus, previously alluded to, Colonel Frey of the Canton of Bale-Campagne, a Swiss Statesman, known in America as a volunteer in the Civil War, afterwards as Swiss Minister in Washington, and finally as President of the Swiss

<sup>8</sup> G.B.=*Bulletin des Internationalen Arbeitsamtes*, Bd. III, S. IX.

Republic,<sup>9</sup> delivered in 1876, before the legislative Chambers, an address<sup>10</sup> in which he raised the question as to whether it was advisable for Switzerland to pursue the subject of the conclusion of treaties uniformly regulating conditions of labor among the several industrial States, presupposing of necessity sufficient elasticity in such regulation to allow for dissimilar conditions of production among the different countries. He assumed in common with most of the early protagonists of the movement that suppression of industrial competition by international regulation constituted the best method of alleviating the hard lot of labor. Subsequent events proved that this agitation of the question was destined to produce fruitful results.

The subject was next adverted to by French socialists in congress assembled at Lyons, France, where a resolution espousing the cause of international labor legislation was adopted in 1877; this was followed in 1878 by a pronouncement in Germany on the part of Baron von Lohman favorable to international regulation protective of their industry and nationals; in 1879 the Association of Christian Manufacturers of the district of which the capital is Lille, declared to the effect that governments could and ought to regulate the relations of labor, and that by means of international negotiations; the same body, met in Paris, renewed the resolution two years later. In 1880 delegates of the Social Democratic Association in Switzerland announced themselves in favor of international intervention for the protection of labor. Not far from this time, there appeared two diametrically opposite views on the subject emanating from representative German authorities, Gustave Cohn, Professor at the University of Göttingen, and Lorenz von Stein, another advocate of the doctrines of the socialist professors, not all of whom, however, favored international control of labor. Lorenz von Stein defended the idea while Gustave Cohn proceeded to postulate the downright inapplicability of any such regulation by reason of the defects evident in existing labor law, the great diversity in industrial and economic conditions, and finally, the hostility of wageworkers themselves to a régime decreeing restrictions upon their faculty to

<sup>9</sup> Geo. Gifford, *U.S. Consular Reports*, July 1901.

<sup>10</sup> *A. d.* 1890. t. XXXVI. p. 41.



work and prohibiting their women and children from betaking themselves to the mills whenever they please.

In December of the year 1880, a motion was made by Colonel Frey before the Swiss National Council that the Federal Council be invited to enter into negotiations with the principal industrial States for the purpose of bringing about international factory legislation. The next year (1881) this proposal<sup>11</sup> received serious consideration by the National Council without arousing any opposition; it was acquiesced in hesitatingly, however; and it was demanded that the Federal Council be left free to choose the opportune moment for taking action in the matter. The opinion was expressed that satisfactory negotiations could take place only with such states as possessed factory legislation similar to that of Switzerland, *e.g.*, England and France, whereas with a country such as Austria, which possessed little or no similar legislation but whose industrial relation to Switzerland was of great importance, such negotiations must of necessity meet with grave difficulty and delay. The motion, so worded as to leave the time for action wholly to the discretion of the Federal Council, was adopted. In deference to this invitation, the Federal Council soon afterwards addressed to the Swiss Legations at Paris, Berlin, Vienna, Rome, and the Swiss Consulates General at London and Brussels a note calling upon them to procure from reliable sources such confidential information as would make it possible to know what States of Europe could be depended upon to cooperate in the matter of international regulation of labor in factories, and also to obtain the information necessary in order to determine the official proceedings best adapted to this end.

To the interrogations consequently submitted to the various powers, Belgium alone deigned no response. Her evaluation of the project must be measured by her silence.

The reply from France indicated that in general the Government deemed it outside the province of the State to interfere with contracts between employers and employees or to curtail the liberty of labor, and that since such intervention was considered unwarranted nationally, the Government was inclined *a fortiori*

<sup>11</sup> *Ibid.*, t. XXXVI. p. 41. *et suiv.* (This citation deals with both the proposal and the replies.)

to adopt an attitude unfavorable to the international treatment of the matter.

The Imperial Government at Berlin was likewise unprepared to co-operate, as it did not take kindly to the regulation of the matter by the dicta of treaties.

The Italian Minister for Foreign Affairs was curious to know which aspects of such a complex question were to be subjected to the procedure proposed: whether the work of women and children, sanitary conditions in workshops, strikes, large or small-scale industry, or all these phases of the problem combined.

The Austro-Hungarian Government exhibited great reserve with reference to the matter. It stipulated that its participation would be made conditional upon the preliminary receipt and examination of a copy of the measures proposed, upon assent to the same, and upon the certainty of the participation of the other important industrial States; and furthermore upon condition that it might authorize its representatives merely to make note *ad referendum* of the points recommended by the delegates, reserving to the Imperial Royal Government the ultimate decision.

The English Secretary of State for the Home Department was opposed, deeming it impracticable to conclude an international convention on the subject of factory regulation.

Such was the first official attempt on the part of a Government, and such the failure, to attain some practical result international in scope for the protection of labor. Discouraged for a time, Switzerland later returned to grapple with this self-imposed task and with more fortunate results. It is fitting to remark right here that to Switzerland more than to any other State belongs the credit and honor of being the pioneer in blazing a trail for the international regulation and protection of labor.

In 1882 a Congress meeting by order of "Verein für Sozialpolitick" and carrying on its program the subject of international factory regulation, was held at Frankfurt-on-Main. The men delegated to draw up a report on the question were Gustav Cohn, with the tenor of whose views we are already familiar, and Dr. Franck, manufacturer of Charlottenburg, who, on the other hand, preferred, like Lorenz von Stein to add the weight of his opinion in favor of the movement, although he did not believe in

unduly limiting the work of women and children who ought to be permitted to add their mite to forestall suffering in the rainy day of industrial crisis. In the same year, the German Catholic Party evinced interventional tendencies, recognizing in the insufficiency of state intervention in industrial relations an argument for joint effort on the part of governments, and it recommended an international conference on the problem.

Not long thereafter (1883), an assembly composed of French, English, Spanish and Italian representatives of labor met in Paris and entertained a motion, introduced by delegates from English trade unions, recommending international legislation. It was averred that in certain countries the organization of labor was rendered impossible by unjust enactments, and hence it became the duty of all to uphold the cause, strive for the ameliorations desired, and oppose laws obstructing national or international legislation for the protection of those too feeble to defend themselves against the abuses of the competitive system. In Switzerland also, there occurred during the course of the year a meeting of labor associations which urged the Helvetic Government to continue its efforts for international law regulatory of factory conditions, and created a commission charged with the prosecution of the movement among the working populations of France and Germany.

On the 25th of January, 1884, the idea of international concord in the administration of labor law obtained its first expression before the French Parliament through the person of Count Albert de Mun whose address was followed by an order of the day inviting the Government to make provision for international legislation unharmful to national industry and yet preserving for each State the means of protecting women and children against industrial evils. At Roubaix, in the same year, an International Labor Congress drafted resolutions relating, among other things, to international legislation for the prohibition of work of children under fourteen years of age, and of night-work; also, for the safeguarding of the health of workmen; and for an international minimum wage and a workday of eight hours.

Discussion of the question was continued in 1885 by Mr. Vailant before the Municipal Council of Paris. He contended that



the means of combatting an international evil ought to be international; that the utility of general laws, already recognized to some degree by treaties of commerce, should be recognized in labor regulation; that each country can supplement international regulation by particular laws adapted to the various phases of moral, material, and industrial development peculiar to itself; that the essential elements of international law, demanded by representatives of the proletariat of all nations, have for a long time been recognized; and that as no country can object to international legislation involving no injury to its relative economic power, so no employers' selfishness can set itself in opposition, since in this question the interests of the laboring class and of the capitalistic class coincide, reaping mutual advantage from the decrease of industrial crises and the enhanced stability of commerce. In consequence there was formulated in the name of the Municipal Council of Paris a *vœu* praying that negotiations be instituted by the French Government as promptly as possible with a view to establish international labor regulation. In recognizing that under an international agreement conditions best regulated locally may remain undisturbed, Vaillant makes a point for the failure to appreciate which, many opponents of the movement, *e.g.*, Mr. Leroy-Beaulieu,<sup>12</sup> have seriously erred in their reasoning. It is of course primarily those phases of industry involved in international competition that are to be subjected to international control.

In December, 1885, French deputies submitted to the committee of the Chamber of Deputies a bill indicating by its terms willingness on the part of the French Government to comply with the overtures of the Swiss Government concerning international labor legislation, and readiness to assume the initiative, in concert with Switzerland, in endeavoring to bring about international law that would have for its aim the abolition of child labor under the age of fourteen, the limitation of the work of women and minors, measures of hygiene and safety, accident insurance, inspection, a normal workday, weekly rest, and an international bureau of labor statistics. One and one-half decades were yet to elapse before the establishment of an extralegal bu-

<sup>12</sup> See L. Chatelain, *La Protection internationale ouvrière*, p. 153-158.



reau of the kind proposed, and even a longer time ere the advent of the accident insurance treaties that now prevail.

While these matters were occupying attention in France, a noted personage had proceeded to act as a damper to the movement in the German Empire. A proposal in favor of protecting labor internationally, made in the Reichstag in January, 1885, aroused Bismarck to the utterance of a disquisition upon the subject. "Impracticable" recapitulates in a word his conclusion. Members of the Social Democratic Party retaliated in the succeeding year. Through the medium of a portion of this Party, a plan was set on foot to have the Reichstag adopt a resolution asking that the Chancellor of the Empire convoke a conference of principal industrial States for the purpose of formulating the uniform basis of an international protective labor agreement. The legal establishment of a ten-hour workday, and the suppression of night-work and of the work of children under fourteen, were the particular measures recommended. The resolution precipitated a heated discussion which served the mission of a publicity campaign, and in conjunction with a notable publication of that period resulted in a repercussion of public opinion in favor of the movement.

That publication was the work of Dr. Georg Adler, fellow of the University of Freiburg, and was entitled: *Die Frage des Internationalen Arbeiterschutzes*. The evils cited by this advocate of international regulation included female and child labor in factories; undue length of the workday; excessive assessments upon the wages of unskilled laborers; unemployment, incompetence, and disability due to accidents for which employers cannot legally be held responsible and also due to disease; premature and necessitous old age; and the sordid and unhealthy homes of workmen. In general, Dr. Adler would favor a method of prohibiting the work of children under thirteen so as not to conflict with a proper degree of schooling or professional training; a ten-hour workday for adults; cessation of work at night, with exceptions; a maximum workday of from five and one-half to six hours for young people from thirteen to sixteen years of age and for married women, which would be productive of the system known as "half-time," by which one shift of such persons is employed in

the forenoon and the other in the afternoon exclusively; a maximum workday of ten hours for all young people from thirteen to sixteen years of age employed in domestic industry; inhibition of labor on Sunday with exceptions, and also in certain occupations dangerous to health, and especially of the employment of young people or females in enterprises inimical to their health and morals; and finally for backward countries, a period of transition of a dozen years if need be, for the attainment of the standards set.

Shortly after the appearance of Dr. Adler's work, Prof. Lujo Brentano of the University of Leipzig published an article upon "The International Regulation of Industry." He inquired into the effects of factory legislation upon national industrial competition, discovering, in answer, a resultant moral and physical regeneration of laborers, an increase in wages, an improvement in their ability and the general quality of their work compensating in part at least for whatever diminution of production may be attendant upon such regulation. In inquiring into the degree of uniformity possible in labor regulation between different industrial countries, he finds that it is possible only so far as the diversity of conditions of production, including climate, situation, peculiarities of social or industrial organization, financial resources, *etc.*, of the competing countries permits. In his opinion diplomatic pressure can be usefully exercised only to induce each country to pass national factory legislation compatible with its concrete conditions of production, thus preserving its capacity for competition, but, in defense of the employee, precluding excessive competition with the industries of other countries. For the enforcement of labor laws hypothecated in this plan, he suggests the device of adding to commercial treaties a clause making the enjoyment of their advantages conditional upon the faithful observance of the agreements entered into relative to factory legislation. The *prima facie* impracticability, or at best inferiority, of such a scheme, as compared with methods at present in operation, ought to make unnecessary any comment.

The 23d of August, 1886, an international labor congress, convened at Paris to debate the problems of a normal workday, adopted a resolution urging the workers of the different countries

to invite their governments to concert the solution of labor's difficulties through international conventions. At the Congress of Montluçon in 1887, the trade unions of France voted to invite the Government to treat with other powers for international labor legislation. In Switzerland in the same year Messrs. Descurtins and Favon preferred a motion<sup>13</sup> before the bureau of the National Council taking into consideration the fact that a great number of states either had or were in the process of acquiring labor legislation similar to that of Switzerland, and consequently inviting the Federal Council to establish intercourse with those states relative to the conclusion of treaties or conventions on the protection of minors, the limitation of the work of women, weekly rest and the normal workday. There was little expectation that such action on the part of the Federal Council at that time would produce immediate tangible results other than the exploitation of the subject in the limelight of European public opinion, but even that was considered to be worth while. In 1888 the Federal Council gave its official countenance to the proposition and declared its intention of presenting at some future date to the States of Europe, in place of a general memorial, a concrete and detailed program. It hoped to realize in part at least the measures recommended in the motion, to which it wished to add the regulation of relations between employers and employees and of hygienic conditions in factories. Any attempt to obtain an international workday was characterized as impracticable for the time being. Attention was also directed to the fact that the subject of labor control was not one merely between governments, but one in which the populations of the States concerned had a direct interest and one which would be either advanced or impeded in proportion as these populations co-operated for the success of the movement or failed to do so. In further elucidation of the motion the following points were designated by special report as fundamental to the conclusion of a satisfactory international convention, *viz.*: the determination of a minimum age limit for children working in factories and mines, the prohibition of the night-work of women and minors, of the work of women in certain unhealthy and dangerous industries, of Sunday work, and of too long a

<sup>13</sup> *A.d. t.* XXXVI. 1890, p. 46.



workday for minors. The establishment of a central international office to transmit information with reference to the enforcement of international conventions was also advocated by this report.

In 1889 the Federal Council addressed a Circular Note<sup>14</sup> to the governments of Europe recalling to mind its previous unsuccessful action in 1881, but now anticipating a more fruitful issue of its endeavors by reason of progress made in the supervening period of eight years. The question of concurrent labor legislation under an international compact was again broached. Recognition was given to the impossibility of the complete attainment of the ends in view by a single leap. As a beginning, it was thought that the international regulation of Sunday, female and child labor would be apropos. The convocation of an international conference to adjudicate upon such measures, drafted in advance for the sake of convenience, was recommended as a prerequisite to their incorporation into international conventions. Pursuant to the exchange of ratifications, such conventions would become valid to all intents and purposes as the international law of the powers concerned. It is noteworthy that fifteen years later this was substantially the procedure adopted for the creation of the Bern Conventions. The full program proposed in the Note included the prohibition of Sunday labor and of the employment of young people and women in undertakings dangerous or particularly detrimental to health; the establishment of a minimum age for the admission of children into factories, and of a maximum day's work for young workers; the restriction of night-labor for young people and women; and the mode of executing the conventions concluded. This time Austria-Hungary, France, Luxemburg, Belgium, Holland, and Portugal were favorably inclined; Spain merely acknowledged receipt of the communication; the replies of England and Italy contained reservations; Russia frankly refused to participate, finding ground for excuse in the difficulty of uniform regulation of labor under the diversity of conditions existent in different parts of the Empire. Germany, Denmark, Sweden, and Norway sent no reply.

Switzerland had intended to convene a conference if possible in September 1889, but in view of the replies to her Note, she

<sup>14</sup> *A.d.* 1889, t. XXX. p. 77-79.



decided to postpone it to the following year. She addressed another Note<sup>15</sup> to the ministers of the several powers previously approached, in which she reviewed the replies above cited and gave notice of her intention to transmit a detailed program for the coming meeting, as far in advance as possible, to the powers interested. The program was later submitted in connection with a formal invitation to the conference which was to be non-diplomatic in character, and to be convened Monday, May 5, 1890, at three o'clock in the afternoon in the room of the Council of State of the Federal Palace at Bern, Switzerland. That program was conceived in the form of a long list of questions classified according to the topics already mentioned in a previous Note.

In July, 1889, socialists formed a new International at Paris where were presented resolutions prepared by an international conference held at The Hague, Feb. 28, 1889. The resolutions expressed approbation of the efforts of the Swiss Republic and enjoined the co-operation of the socialist parties and labor organizations. The measures advocated the prohibition of the work of children under fourteen years of age, and of night-work in general; an eight-hour workday; hebdomadal rest; the conservation of health; an international minimum wage; a system of national and international inspectors chosen by labor and paid by the State to insure the enforcement of the above; and the extension of their supervision to home industry.

In the following August, the general Council of Bouches-du-Rhone adopted a resolution by which the French Government was invited to take the initiative in international legislation to establish a workday of eight hours.

On Feb. 25, 1890, the Swiss Republic, after its preparation of the long list of questions already alluded to, suddenly in a Circular Letter<sup>16</sup> cancelled the international conference which was to be held at Bern and which was at last to crown with success a series of earnest and disappointing efforts extending over nearly a decade. When, after such an expenditure of time and trouble, the hard soil of international obduracy had at last become softened and it had become evident that the time was ripe to achieve

<sup>15</sup> *A.d.* 1889. t. XXXI, p. 342.

<sup>16</sup> *A.d.* 1890, t. XXXIII. p. 373-374.

the honor of bringing about an official international conference between the great powers of Europe to deal with the question of protecting labor by means of treaties, why did the sturdy Switzer suddenly forego the realization of his hopes? The two following rescripts<sup>17</sup> of the German Emperor issued just twenty-one days (Feb. 4) before the sending of the Swiss Note of cancellation, intimate the reason for the abandonment of the project by Switzerland.

The first rescript addressed to Bismarck was as follows:

"I am resolved to lend a hand to the betterment of the condition of the German workers in proportion to my solicitude occasioned by the necessity of maintaining German industry in such a state that it can meet the competition of the international market and insure thereby its own existence and that of the workers as well. The decadence of German industry, by the loss of foreign outlets, would deprive of their means of subsistence not only employers but also their employees. The difficulties which oppose themselves to the betterment of the condition of our workers and which result from international competition can be, if not surmounted, at least diminished, in no other way than by the international agreement of the countries which dominate the international market.

"Being convinced that the other governments are equally animated with the desire of submitting to a common examination the tentative proposals on the subject concerning which international negotiations have been broached by the workers of these countries, I want my official representatives in France, England, Belgium, and Switzerland to find out whether the governments are disposed to enter into negotiations with us with the aim of bringing about an international agreement on the possibility of giving satisfaction to the needs and desires of the workers which have found expression in the strikes of late years and in other forms of unrest.

"As soon as my proposal shall be accepted in principle, I charge you to convoke all the governments interested in like measure

<sup>17</sup> *A.d.* 1890. t. XXXIII. p. 325-326.

in the labor question, to take part in a conference which shall deliberate upon the questions raised.

"Berlin, February 4, 1890.

"WILLIAM."

The second rescript to Messrs. Berlepsch and Maybach was as follows:

"In mounting the throne, I have made known my resolve to favor the development of our legislation in the direction given it by my late grandfather, who had assumed the task of protecting the less fortunate classes in the spirit of Christian morality.

"The measures that the legislative and administrative authorities have taken with a view to bettering the situation of the workers, while being very valuable and very successful, have not however completely sufficed for the task that I have set myself.

"It will be necessary in the first place to complete the legislation on workmen's insurance. Next we shall have to examine the provisions of the present law on the condition of factory workers in order to give satisfaction to their complaints and aspirations in so far as they are just. The examination of this law should proceed on the principle that it is one of the duties of the government to regulate the duration and nature of work in such manner that the health of the workers, the principles of morality, economic needs of workers and their aspirations toward equality before the law, may be safeguarded.

"In the interest of the maintenance of peace between employers and the working people, it would be advisable to make legal provision for the purpose of insuring the representation of workers by men enjoying their confidence and charged with the responsibility of regulating their common affairs and of defending their interests in the negotiations with employers and with government authorities.

"An institution of this kind will facilitate for workers the free and peaceful expression of their desires and grievances. It will furnish to officials the means of keeping informed in a regular manner on the labor situation and of continuing in contact with the workers.

"I desire that in respect of the economic protection to be ac-

corded laborers the mines of the State may become model institutions. As regards private mines, I desire that organized relations be established between my mining officials and these undertakings with a view to a supervision analagous to factory inspection.

"For the preliminary examination of these questions, I decree that the Council of State shall meet under my presidency and examine them, calling in competent persons whom I shall designate. I reserve to myself the appointment of these persons.

"Among the difficulties in regulating the condition of laborers in the way that I propose, the more considerable are those which result from the necessity of taking care of national industry in its competition with foreign industries. I have accordingly advised the Chancellor of the Empire to suggest to the Governments of the States whose industry with ours holds the universal market, the meeting of a conference to bring about an international regulation, fixing the limits of the work that can be required of laborers. The Chancellor of the Empire will forward copy of my rescript to your address.

"Berlin, February 4, 1890.

WILLIAM."

Switzerland desired the success more than the honor of the first great international conference of a diplomatic character which would rivet the attention of the whole world upon the subject of international labor regulation. She acquiesced and co-operated in spite of the unexpected change of affairs which the above rescripts precipitated. Consequently, as had been anticipated, the conference was held; but as had *not* been anticipated, it was held under the auspices of the German Government and at Berlin, of which more hereafter.



## CHAPTER III

### INTERNATIONAL LABOR CONFERENCES

AFTER the appearance of Emperor William's rescripts, Bismarck proceeded to communicate to the western European powers, exclusive of Russia, Spain and Portugal, the last two of which were invited later, an invitation to send delegates to a labor conference at Berlin. The subject matter proposed for consideration referred to the work of women, children and young persons, Sunday labor, mining, and lastly the means best adapted to the execution of the measures adopted. This program was notified to Pope Leo XIII by Emperor William with the request that His Holiness lend his aid and sanction to the project. The Pope's reply<sup>1</sup> heartily endorsed the deliberations of a conference that might tend to relieve the condition of the worker, secure for him a Sabbath day's rest, and raise him above the exploitation of those who without respect to the dignity of his manhood, his morality or his home, treated him as a vile instrument.

#### *Conference of Berlin, March 15-29, 1890*

The famous Conference convened March 15, 1890, at two o'clock in the afternoon in the Palace of the Chancellor. Fourteen countries were officially represented: France, Germany, Austria-Hungary,<sup>2</sup> England, Holland, Spain, Switzerland, Norway, Sweden, Portugal, Denmark, Belgium, Italy and Luxemburg. The opening address of the session delivered by Baron Berlepsch,<sup>3</sup> German Minister of Commerce, envisaged the menace that had arisen from industrial competition and justified the attempt to realize an accord between the governments to obviate the common dangers of industrialism internationally unregulated. In

<sup>1</sup> *A.d.* 1890. t. XXXV. p. 18-19.

<sup>2</sup> Austria and Hungary may be counted as separate States in respect of Labor Conferences and Conventions.

<sup>3</sup> *A.d.* 1890. t. XXXIV. p. 270-271.

the protocol finally adopted is to be found the result of the Convention's deliberations.<sup>4</sup> The proposals made therein were for the most part approved unanimously, otherwise by a majority.

As to the regulation of mines, it was held desirable gradually to make twelve years in southern countries and fourteen years in others, the age limit for the admission of children; to exclude the feminine sex entirely; to limit the length of a day's work amidst unhealthful environment impossible of improvement; to guarantee so far as possible the health and safety of miners and adequate state inspection of mines; to qualify as mining engineers only men of experience and duly attested competence; to render relations between operators and employees as direct as possible and conducive to mutual confidence and respect; to institute measures of relief and insurance against the consequences of disease, accident, old age, and death; and measures preventive of strikes. Voluntary direct negotiation between employers and employees was recommended as the preferable solution of industrial crises, with ultimate recourse in case of necessity to arbitration.

The desirability of the prohibition of Sunday labor was adhered to with certain exceptions, *e.g.*: undertakings demanding continuity of production, or furnishing articles of prime necessity and requiring daily manufacture, or in case of enterprises functioning in special seasons or dependent upon the irregular action of natural forces. It was recommended that for such cases the governments provide a common basis of regulation by international agreement; and for the laborers involved, the rule of one free Sunday every other week was suggested.

The resolutions to protect children stood for the exclusion of the two sexes from industrial establishments until ten years of age in meridian countries and until twelve years old in all others, with certain educational requirements prerequisite to such labor. It was further held that under fourteen years of age they ought not to be allowed to work nights nor on Sundays; nor to exceed the limit of six hours of daily work, broken by a rest of at least one-half hour; nor to be admitted to unhealthful or dangerous occupations, save in exceptional cases where special protection is provided.

<sup>4</sup> *A.d.* 1890. t. XXXV. p. 175-178.

The advance in standards for the regulation of the night-work of young persons was shown by a draft convention adopted by the International Labor Conference of the League of Nations at Washington, D. C., 1919, which prohibited the night-work of young persons under eighteen years of age with the exception that young persons over sixteen might be employed in certain continuous industries such as iron and steel mills, glass works, paper factories, etc. In case of occupations particularly dangerous or injurious to health, as likewise in the matters of night, Sunday, and a maximum day's work, the conferees at Berlin directed special attention to the need of safeguarding the interests of boys from sixteen to eighteen years old. The night-work of girls and women was condemned, as it had been repeatedly in previous assemblies. An international Convention to this effect since 1906 is the monument to these efforts. The maximum workday recommended for females was to be of eleven hours' duration interrupted by a rest period of at least one and one-half hours. Among numerous international measures favored for the protection of health was one, not met with heretofore, decreeing that lying-in women should not be readmitted to work within four weeks after delivery.

A sufficient number of officials specially qualified, named by the government, and independent of employers and employees, constituted, according to the stipulations of the protocol, the proper machinery by which to superintend the execution of these measures in each State, and to report upon labor conditions. The compilation of these reports and annual inter-communication of the same by the governments, together with relevant labor statistics, texts of legislative regulations and administrative decrees on the subject, *etc.*, were also advocated.

The immediate result of the Conference of Berlin was disappointing; its real aim, unaccomplished. Like previous and less important congresses, it confined itself merely to the expression of views and desires; no definite international conventions were formulated, or, indeed, outlined. Detractors found in its deliberations further proof of the futility of the movement. But, however unsatisfactory were the results obtained and gloated over by opponents, the Conference was an index of the growing

power of an ideal, and served to center attention upon it to an unprecedented degree. It was a step in advance and an important one.

### *Supervening Events*

International labor legislation was the chief topic discussed at the socialist Congress of Brussels, August, 1891.\* Switzerland returned to the task of crystallizing opinion in favor of the movement, seemingly taking heart from the fact of the Berlin Conference. Her National Council addressed to the Federal Council a review of the importance of that event, the significance of Switzerland's rôle in the events leading up to it, and a historical exposition of the whole question with an optimistic forecast for the future.

In 1892 the Federal Council introduced, through diplomatic agents at Berlin and Vienna, the subject of an international agreement regulating the industry of mechanical embroidery. The move had been suggested and sanctioned by workers and employers of the industry, but it received a cold reception at the hands of the two powers approached and was dropped. In 1895 the Federal Council was invited by the Federal Chambers to take up again with the powers the general question of international labor regulation, but the Council did not believe the time propitious for a new attempt. Its next step (1896) related to the possible establishment of an international bureau charged with gathering important labor statistics, the study and comparison of industrial legislation, and the dissemination of pertinent information. Features of labor law, similar, dissimilar, or worthy of imitation, might thus be borne home to state and interstate consciousness as in no other manner. The countries approached with this plan were: France, Denmark, Germany, Belgium, Sweden, England, Italy, Spain, Holland, Norway, Russia, and Austria. The replies in general gave plain implication of reluctance or hostility; and so the project was given up for the time being.

\*In this period occurred the socialist Congresses of Zurich, 1893, and of London, 1896.



## INTERNATIONAL LABOR CONFERENCES

### *Congress of Zurich, August, 1897*

Then came the first international labor Congress of importance in which the United States of America was recognized as one of the powers represented. It was called by the Swiss Workingmen's Society and was held at Zurich in 1897, the other nations represented being Switzerland, Sweden, Holland, Spain, Luxemburg, Russia, Poland, Germany, England, Austria-Hungary, Belgium, Italy, and France. The program was similar in many respects to that of the Congress of Berlin and still further resembled this more famous predecessor by its failure to get beyond the stage of exchanging opinions and expressing views. The resolutions declared for Sunday rest, an age limit for child labor fixed at fifteen, either a day of eight hours or a week of forty-four hours for women and an eight-hour day for adults in general. In the matter of inspection, it recommended that women inspectors be appointed for works giving employment to that sex, and suggested that a special inspection corps might be instituted for agricultural enterprises employing machinery. Other propositions were discussed and their character is easily recognized. They demanded that official recognition be tendered to the offices of labor organizations; that the right of employees of both sexes and all classes to organize be respected, with violation of the same made punishable; that universal suffrage, equal, direct, and secret, be introduced in electing to all representative bodies so as to enhance the real influence of the labor class in all parliaments; that active propaganda be carried on by trade unions and political organizations through such instrumentalities as conferences, publications, conventions, journals, and most important of all, the action of parliaments; and that international congresses be periodically organized to present to different parliaments concurrently proposals of the same law. The Congress importuned the Swiss Federal Council to reattempt the establishment of international legislation and further to prosecute its scheme of an international labor office; and at the same time evinced the fact that it is possible for radical Socialists and Catholics to make mutual concessions for the sake

of harmony. The spirit of co-operation distinguished the deliberations of this meeting.

*Congress of Brussels, September 27, 1897*

The next conference of note assumed the title: Congress for International Labor Legislation. Many former delegates of the Berlin Conference were present. It could hardly be said, however, to be official in character, as the greater number of members came of their own accord without official or governmental sanction. Some governments sent delegates; Germany, Belgium and France led in respect of the number of such representatives. Like the platform prepared originally by the Swiss for the international conference projected by them and later abandoned to give place to the Conference of Berlin, the order of the day was interrogatory in form. This program asked for information concerning the evolution and modification of labor legislation among the various countries subsequent to the Conference of Berlin, inquired the situation of the different industrial States with reference to certain resolutions of that Conference, and put various other questions as to whether international labor protection is possible and desirable, and if so, in what measure and under what form; what regulation if any, should obtain with reference to small industry and domestic industry; what would be the utility and propriety of the concurrent adoption by all industrial states of the regulations imposed upon dangerous industries by a share of them, and found salutary in effect; what the appropriate means of insuring the better execution of protective labor law, what should be the laws and duties of labor inspectors; and what, the desirability of establishing international reports between labor offices and the compilation of labor statistics international in scope.

That the preparation of such statistics would be of great utility seemed to be the universal sentiment of the delegates; but, although the establishment of an official international bureau for that purpose was advocated, there were some who opposed it in preferment of a private office. In consequence of this divergence of opinion, no decision was reached. The possibility of actual con-

temporary international regulation of labor seemed by tacit recognition to have suffered general preclusion from the minds of the conferees. It was given comparatively slight attention. The conference was nevertheless another link in a chain of events leading on to the positive realization of international labor law; it accorded a profound treatment to many of the questions in hand, and occasioned the production of a noteworthy monograph upon legislative principles in force, and centered the attention of economists of all parties upon international phases of the labor movement. It also evoked from Mr. Henrotte, Belgian Chief of Labor Inspection, the proposal of the suppression of industrial poisons by international agreement, and the observation that a trial of such legislation might be conveniently made by the international prohibition of the use of white lead and white phosphorus.

After the session, some of the delegates, evidently not satisfied with the convention's work, appointed a committee of three to give to it some more practical result. This committee undertook to prepare the way for the establishment of an international labor association representative of all parties interested in the proper protection of labor, and for this purpose drafted statutes or a tentative constitution for such an organization. It also lent its aid to the collection of copies of protective labor laws and regulations in force, with the result that toward the close of 1898, appeared Volume I of the Belgian publication, *L'Annuaire de la législation du travail*, covering in French, the labor laws promulgated in the year 1897. Among the prominent supporters of this undertaking was Mr. Nyssens, Belgian Minister of Industry.

In 1899 Baron Berlepsch to whom the proposed plan of an international association on labor legislation was familiar, met with economists and men of politics in Berlin to consider the proposition and examine the tentative constitution submitted by the committee. The statutes outlined were generally approved and twenty individuals were delegated to enter into relations with other nations for the creation of other committees in furtherance of the project.

<sup>5</sup> E. B. I. (1-3), App. p. 150. (E. B.=*Bulletin of the International Labor Office.*)

The principles stated in this proposed constitution were closely adhered to in the organization of a labor section in France, which infused more life into the movement by summoning interested parties to another international labor Congress at the time of the Paris Exposition of 1900. In the same year, the French Minister of Commerce, Mr. Millerand, made an unsuccessful attempt to bring about with Belgium negotiations on labor legislation. The incident reveals the status of governmental co-operation in matters pertaining to labor at this stage of the movement.<sup>5</sup>

*Congress of Paris July 25-29, 1900.*

The following States sent delegates to the Congress of Paris: Holland, Russia, United States, Austria, Belgium, and Mexico. Many other countries were represented non-officially by prominent men and women.

The representative of Italy, Signor Luzzatti, uttered on this occasion a significant declaration<sup>6</sup> with reference to labor conditions in his country. Said he:

"I come from a country where industry is only just beginning to develop. I should be thankful if you could, by means of a *compellare intrare*, give us an impetus in the right direction of progress. I should be thankful if you could give to Italian workmen by international legislation that protection which national legislation does not afford them.

"Decisive success can only be attained by way of international legislation. I have often urged the prohibition of night-work in cotton mills; the reply has always been: 'Willingly, but first let it be introduced in the neighboring states which compete with us. Try to bring it about by way of international legislation.'

"I feel no doubt that in future, together with, or indeed supplementary to, our commercial treaties, we shall have labor treaties. In such treaties, we shall include provisions tending to level up conditions of exchange.

"Finally, I feel I must give my opinion that all our attempts will remain lifeless if we are not capable of quickening them with the warmth of human solidarity. Especially in the realm of

<sup>6</sup> *Ibid.*



social questions one is continually constrained to think of the beautiful saying that really fruitful thoughts spring always from the heart."

These remarks found partial fulfillment in a pioneer labor treaty concluded between France and Italy four years later.

The work outlined for the Congress consisted of the consideration of four things: the legal limitation of the length of the workday; the prohibition of night-work; the inspection of labor; and the formation of a union or international association for the legal protection of labor. In the discussions it was denied that any expectation was entertained of realizing by international agreement a Utopia of complete unification of protective law; it was rather expected that greater and greater similarity of such laws would gradually evolve; in determination of a maximum workday, it was declared that the consensus of opinion of past congresses seemed to favor a period of eleven hours under condition of its gradual reduction to ten hours; night-work, with the usual reservations, was severely condemned; labor inspection was defined as an essential institution capable of further development with respect to the establishment of permanent relations between its corps in different countries, and of augmentation notably by the addition of penalties, the specialization of functions, and the inclusion of inspectors representative of the rank and file of labor.

The creation of an official international office was opposed as conducive to complications under the excessive burden of responsibility which would be imposed by the superintendence of political, industrial and commercial relations of international consequence; but a private office being deemed admissible and desirable, the matter was resolved in this latter sense by providing for the formation of the: "International Association for the Legal Protection of Labor."<sup>7</sup>

Thus at last, after twenty years of disappointing attempts to attain some practical result, there was conceived and brought forth a child worthy of the splendid cause whose name it bore—

<sup>7</sup> The Association is frequently termed the "International Association for Labor Legislation."

the International Association for the Legal Protection of Labor was born—destined to grow into the robust organization, which, through its International Labor Office and national sections, gradually extended its influence to every quarter of the globe and became responsible more than any other agency for the strides which were taken toward more effective international co-operation in control and protection of industrial workers. To a commission of six wise men was entrusted the task of carrying out the active organization of the new Association. The body had for its presiding officer a Swiss delegate, Mr. Scherrer, lawyer and former president of the Congress of Zurich; his colleagues were Baron Barlepsch, and Messrs. Cauwès, of the Law Faculty of Paris; Phillippovich, of the University of Vienna; Toniolo, of the University of Pisa, and Mahaim, at the University of Liège.

The Association, as organized, was to be directed by a Bureau chosen by the Committee of delegates representing different national sections<sup>8</sup> which were to be wholly autonomous bodies organized in accordance with the desires of the nationals concerned and having their own separate programs. The only prerequisite to membership in the Association was acceptance of the principles of the legality and efficacy of intervention to regulate the relations of capital and labor. Support was derived from contributions and voluntary state subventions. A permanent International Labor Office with a regular salaried staff was established at Basel, Switzerland. By the Peace Treaty, 1919, an International Labor Office was incorporated in the International Labor Organization of the League of Nations.

The Constitution of the Association called for the publication in French, German and English of a periodic review of labor legislation in all countries. The French and German publications date from the year 1902; the English, from 1906; they are respectively entitled: *Bulletin de l'office international du travail*, *Bulletin des Internationalen Arbeitsamtes*, and *Bulletin of the International Labor Office*. These Bulletins gave, either textually or

<sup>8</sup> Each section was given its own official title; thus the American Section is the "American Association for Labor Legislation."

It should be noted also that governments were invited to designate one delegate each, who had the same rights in the Committee as other members. See Appendix II, Exhibit 10.

in résumé, the laws in force relative to the protection of labor in general, and of women and children in particular. They also contain historical expositions of these enactments as well as copies or digests of official reports and documents concerning their interpretation and execution. Here are to be found the facts, gleaned from all the industrial nations of the world, that made possible the effective comparative study of labor legislation so essential to all attempts to unify it. The Association summarized its aims under five principal headings:

"1. To serve as a bond of union to all who believe in the necessity for Labor Legislation.

"2. To organize an International Labor Office.

"3. To facilitate the study of Labor Legislation in all countries, and to provide information on the subject.

"4. To promote International Agreements on questions relating to conditions of Labor.

"5. To organize International Congresses on Labor Legislation."

The work of this conference had direct and far-reaching consequences. In one country after another, national sections were quickly instituted. The section in Germany bore the title of "Society for Social Reform" and had as one of its principal aims the creation of an Imperial Labor Office. Local sections were established in Berlin, Leipzig, Dresden, and Hamburg. As for Austria, a section was organized in spite of the law prohibiting to societies international relations; while in France, Italy, Holland and Hungary, similar sections were also created. The one in Switzerland boasted two hundred and thirty-eight members; Belgium, on the other hand, had to make up in quality what she lacked in quantity. Her limited membership was co-optated so as to preserve the organization's character of political neutrality.

*First Delegates' Meeting of the International Association. Basel, Sept. 27-28, 1901.*

These sections, excepting that of Hungary, soon were represented at the inaugural meeting of the Association, known as the "Constituent Assembly of the International Association for the

Legal Protection of Labor." This conference proceeded to define the functions of the International Labor Office in contradistinction to those of the International Association, enumerating among the tasks primarily incumbent upon the former the scientific investigation and comparison of national legislative enactments and the solution of the various problems inherent in dangerous and unhealthful occupations, the night-work of women, and the use of poisons, especially lead and white phosphorus in manufacturing processes. But a few years later, the use of white phosphorus in the manufacture of matches was prohibited by international agreement. It was desired also that the Office pay special attention to employers' liability and methods of insurance against accidents and diseases, especially in their relation to imported labor. A careful study of the acts of these congresses reveals the fact that in their resolutions and discussions have been laid the foundations for every important labor law that has since been internationally enacted. The principle of the equal treatment of foreigners and citizens before the social insurance laws of a realm was destined to have a notable career.

Another subject touched upon in the discussion of certain of the delegates and destined to assume larger proportions in later years, was that of regulating traffic in young Italian laborers, which was an evil particularly prevalent in France.

*Second Delegates' Meeting, Cologne, Sept. 23-24, 1902.*

The next year witnessed at Cologne the Second Delegates' Meeting of the Association. Forty-four delegates from twelve national sections besides twenty-one official delegates of eleven European powers, constituted an attendance that was very encouraging in contrast with the official representation accorded by only four powers in the year previous. The Assembly confined its labors chiefly to two topics; *i. e.*, the night-work of women and the use of the poisons, white phosphorus and lead, in industry. The principal obstacle encountered in the diagnosis of the first question was the disagreement as to just what exceptions, if any, to the general prohibition of night-work to females were feasible. In disposing of this matter, the convention resorted to the expedient of appointing a commission to discover



if possible by scientific analysis of the variant factors entering into that problem, the measures best adapted to the effective prohibition of such labor and the progressive suppression of exceptions to the same. Similar provision was made for the investigation of measures by which to abolish white phosphorus from industry and suppress, in so far as possible, the use of white lead. As a means to this end, it was resolved to bring pressure to bear upon state and local authorities for the elimination of the use of lead in establishments under their jurisdiction. In the following year occurred the publication of the investigations (Jena, Gustav Fischer) under the titles, *Night-Work of Women in Industry* and *The Unwholesome Industries*.

French and Italian delegates at the meeting entered into informal negotiations upon the subject of a Franco-Italian Labor Treaty,<sup>9</sup> but nothing was definitely decided in the matter at this time.

*Commission Meeting at Basel, Sept. 9-11, 1903.*

The commission to whom the task of making the above researches had been assigned, met for conference in Basel in 1903. In order to arrive at some real and practical outcome of the much mooted questions of twenty years concerning the night-work of women, it besought the Swiss Federal Council to invoke the nations to acquiescence and participation in another international conference whose aim it should be to see this evil put under the ban of effective international prohibition. This prohibition, in the mind of the committeemen, ought to find exception in case of such unavoidable exigencies as fire, flood, explosion, imminent or unexpected accident, or impending loss of perishable products such as fruit or fish. In dealing with the subject of industrial poisons, the commission made known to the Swiss Federal Council its desire to have it undertake the necessary diplomatic action to occasion an international conference before which might be laid the question of prohibiting by international convention the use of white phosphorus in the match industry. The regulation of the use of white lead and its compounds was deemed a subject also worthy of treatment by such a conference; more-

<sup>9</sup> G. B.-*Bulletin des Internationalen Arbeitsamtes* Bd. III, S. x.

over, it was held to be the place of the national sections to pursue energetically the elimination of the use of lead products in public and private painting works.

The response of the Federal Council to these overtures was cordial and now about fifteen years after the Berlin Conference, it proceeded to extend to the various powers an invitation for another international conference. Their reply was in general very favorable; and thus it came about that the Swiss Circular Letter of Dec. 30, 1904,<sup>10</sup> issued a summons that was destined to congregate behind closed doors the representatives of fifteen European countries for a nine days' consideration (May 8-17, 1905) of the international problems of labor. Several other notable events, however, occurred in 1904, before this conference, the date of which, it will be noticed, was set for the spring of the following year.

On April 15, 1904, France and Italy had signed the first of a series of treaties looking toward reciprocal protection of laborers of the one country within the territory of the other. The example thus set was so generally followed as to create in international diplomacy an important departure, which will receive extended treatment in a following chapter.

*Third Delegates' Meeting, Basel, Sept. 26-27, 1904.*

In the same year occurred the third general assembly of the International Association, convened at Basel, with ten powers officially represented besides the usual delegations from national sections. The program presented five principal topics for consideration, *viz.*: the material and financial resources of the International Office; the prohibition of industrial poisons; the regulation of the night-work of women and young people; the relation of labor legislation to home labor; and lastly the problems of social insurance. The five questions were assigned to as many different committees, which proceeded to consider and report upon them.

The first committee reported a deficit in the treasury of the International Office, and asked new subsidies from the States to meet the need.

<sup>10</sup> G. B. Bd. III, S. 442.

The committee on industrial poisons was elated over the fact that anonymous philanthropists had donated 25,000 francs as prize money to be distributed to those who in competition suggested the best methods of overcoming the dangers of lead poisoning. The committee maintained that the question should be studied with reference to each industrial group by which lead was used, *e. g.*: manufactures of lead colors, painting establishments, makers of certain electrical instruments, the poly-graphic industry, plumbing, stone cutters, dyers, *etc.*, in order that there might be worked out for each group the restrictions, regulations, or prohibitions necessary to guard the well-being of the laborer. In the painting industry, for example, it urged severe measures to coerce in all instances possible, the substitution of less harmful materials for lead products. And finally, in concluding its resolutions, it recommended, as a preliminary measure for effective resistance to the employment of industrial poisons in general, a careful classification by experts of all such poisons upon the basis of the seriousness of the disease produced by each and the wide publicity of the list when completed.

The third committee did not fail to find in the theme of night-work of young people abundant material out of which to construct a laudable program of investigation.

The fourth committee desired each national section to study and report upon certain designated phases of the problems inherent in home labor and its relation to labor legislation. The subject of the investigation of home industries had been suggested at the meeting of the special commission in Basel the year before.

The fifth committee was charged with the examination of the topic of industrial or social insurance. The principles sanctioned by the assembly held that insurance law applicable in a given case ought to be that of the place of the undertaking giving employment, and that distinctions should not be drawn between beneficiaries of social insurance because of their nationality, domicile, or residence. The national sections were asked to furnish the Bureau, before the next general assembly of the Association, reports that would throw light upon the means of putting these principles into operation in each country, and internationally. The position taken by the conference upon this

point is noteworthy. Here was bold adherence to the position that the topic of workmen's insurance and the right of the laborer to indemnity if incapacitated by accident, did not confine itself to the domain of private law and so by its very nature exclude itself from international treatment. The question of the equality of foreigners and citizens before insurance law had been for a long time a debated issue: the solution which it was gradually approaching is indicated by the fact that in this same year, 1904, Italy signed three treaties with as many governments, in each of which it was mutually agreed, in respect of accident insurance, to investigate the means of bringing into practice the reciprocal protection of citizens of one country working in territory of the other. That this principle is wholly susceptible of application has been amply proved since by a succession of treaties on the subject.

Before adjourning, the assembly extended to the sections an invitation to include among their studies a special investigation of the question of the limitation of the length of the workday.

*Bern Conference, May 8-17, 1905.*

In the month of May 1905, occurred the first of the two famous assemblages at Bern, in which a majority of the powers of Europe took practical steps toward the concurrent incorporation of labor law into international conventions. We mention the fact here merely in its chronological order, as a succeeding chapter is devoted to the epoch-making transactions of the assembly and that which was its sequel.

*Seventeenth Miners' International Congress. June 5-8, 1906.*

Apart from congresses proposedly convoked in behalf of the principle of international protection, the subject has been considered in the international meetings, too numerous for detailed discussion at present, which trade unions, philanthropic societies, political parties, and various other organizations, have been constantly holding. An important example is that furnished by the Seventeenth International Congress of Miners, held in London



in 1906.<sup>11</sup> The delegates desired that pressure be brought to bear upon governments so as better to safeguard the life and limb of members of their vocation. Their resolutions indicated their numerous wants, which were in brief: mine inspectors chosen from among the workmen and paid by the State; the prohibition of female work, as well as that of children under fourteen, and of youths under sixteen in underground works; an eight-hour work-day for underground operations; a minimum wage and the control of wages by the delivery to the miners of every colliery of a duplicate pay book; old-age pensions at fifty-five; the extension of workmen's insurance to provide unconditionally a sufficient allowance for incapacitated miners and likewise for heirs of workmen who have died.

*International Diplomatic Conference at Bern. Sept. 17-26, 1906.*

Three months later there was held the second of the Bern Conferences, as a result of which the prohibition of the industrial night-work of women and the interdiction of the use of white phosphorus in the manufacture of matches were enacted into law by a large proportion of the nations of Europe and their dependencies throughout the world.

*Fourth Delegates' Meeting. Geneva, Sept. 27-29, 1906.*

It had now been two years since the International Association for the Legal Protection of Labor had held an official conference; it convened on Sept. 26, 1906, the fourth assembly of the series at Geneva with seventy-eight delegates present and ten nations officially represented. Since its last meeting four new national sections had been added, making a grand total of twelve such branches of the organization. The additions were:

- (1) British Section established in 1904;
- (2) American Section established in 1906;
- (3) Danish Section established in 1906;
- (4) Spanish Section established in 1906.

The financial status of the Association was found to be excel-

<sup>11</sup> *E. B.* Vol 1, (4-8). pp. 229-230.

## THE INTERNATIONAL PROTECTION OF LABOR

lent, expenses being more than met by generous contributions and state subventions. Standing at the head in this respect, as in all phases of the movement, has been Switzerland, which in the years 1904-1907 contributed over seven thousand francs more than its nearest rival, Germany, and over fifteen thousand more than its next nearest rival, France. The following table indicates the amounts contributed by the various States within that time:<sup>2</sup>

	1904	1905	1906	1907	Total
	f.	f.	f.	f.	f.
Germany .....	7.386	7.374	9.800	10.000	34.560
Austria .....	3.000	3.125.65	3.122	5.000	14.247.65
Belgium .....	....	....	2.000	2.000	4.000
Denmark .....	....	....	687.29	700	1.387.29
United States .....	1.033.75	1.000	1.000	1.000	4.033.75
France .....	5.000	3.750	9.000	9.000	26.750
Hungary .....	....	4.716.98	3.000	3.000	10.716.98
Italy .....	1.000	2.000	2.000	2.000	7.000
Luxemburg .....	400	500	500	500	1.900
Norway .....	....	....	688.30	700	1.388.03
Holland .....	4.151.10	4.137.95	4.139.75	4.150	16.578.80
Sweden .....	....	....	4.035.20	1.000	5.035.20
Switzerland .....	10.000	10.000	9.999.70	12.000	41.999.70
<b>Total .....</b>	<b>31.970.85</b>	<b>36.604.58</b>	<b>46.972.24</b>	<b>53.050</b>	<b>169.097.67</b>

The sum of four thousand francs was voted to aid in the publication of an English version of the Bulletin of the International Labor Office. The subsidy was accorded for two years only and on condition that supplementary expense be met by the national sections. Since 1906 the English Bulletin has made its regular appearance concurrently with the French and German editions.

The assembly followed the custom of dividing itself into sections, to each of which some special topic was assigned; the chief subjects designated for consideration were:

- (1) Child labor.
- (2) Industrial poisons.
- (3) Night-work for young persons.
- (4) Maximum duration of workday.

<sup>12</sup> See L. Chatelain, *La Protection internationale ouvrière*, p. 153-158.

(5) Home work.

(6) Insurance.

The resolutions adopted by the meeting authorized the Bureau of the Association to tender thanks in the name of the Association to the various governments which signed the Bern Conventions, and to congratulate the Swiss Federal Council upon the notable outcome of its efforts; they also called upon the sections to inform the Bureau as to the measures decreed in each country in execution of labor legislation, and recommended the issuance of a *questionnaire* by the Office to obtain information with which to elaborate a comparative report on the subject; moreover, both the Office and the sections were besought to undertake a similar task in the further investigation of the question of child labor.

Upon the topic of the night-work of young workers, the resolutions specified eight particular points: the general prohibition of such work to young persons under eighteen; its absolute prohibition up to the age of fourteen; exceptions above fourteen in cases of necessity; *e.g.*, in industries where materials are subject to deterioration and loss; its total prohibition in public-houses, hotels, and sales establishments; the provision for a minimum night's rest of eleven hours including in every case the hours from 10 p. m. to 5 a. m.; the permission to make certain reservations in accomplishing the transition from old to new regulations; the desirability of seeing the serious enforcement of inspection; the institution of a commission to investigate the ways and means of realizing the above and to report upon the same within two years, each section having the privilege to nominate two delegates for the commission and to designate such experts from among employers and employees as ought to assist in the deliberations. Of such nature were seven laudable propositions advanced with no suggestion of the means of their execution in evidence, save the eighth, which merely provided for the appointment of a commission further to investigate the matter—being "the substance of things hoped for and the evidence of things not seen." Nevertheless, faith wrought works in the matter as will appear later.

The maximum duration of the workday was deemed to be a subject upon which definite conclusions should be reached for the

conservation of the physical well-being and proper moral standards of employees. As a means to this end and to be in a way to pronounce upon the utility of international conventions upon the subject, the Bureau was called upon to institute inquiries upon the length of the workday and the effects realized by its reduction among different peoples.

With regard to home labor, the sections were urged to request measures of their governments with the aim of compelling employers to register home workers connected with their industry and to give precise information as to the scale of wages in operation. Means were then to be adopted to insure wide publicity to such information. The extension of labor inspection and social insurance to home work, the vigorous application of health regulations to unsanitary conditions in which such labor might be found to occur, the effective organization whenever needed of professional unions, social leagues of purchasers, *etc.*—were all measures recommended by the resolutions upon the topic. Further, the Bureau was charged to ascertain, in collaboration with a subordinate commission, the branches and the conditions in each country of industry in the home whose products entered into the competition of the world market, and the divisions of such industry most urgently demanding reform in respect of excessive length of the workday, especially for women and children, insufficient wages, periodic unemployment, and the want of insurance against sickness.

Upon the subject of industrial poisons, the Office was urged to facilitate the execution of the measures recommended at the third assembly of the Association, and to have the sections appoint specialists to make necessary inquiries and prepare, before Jan. 1, 1908, reports on better means of combatting lead poisoning in the manufacture and use of lead colors both in the ceramic and polygraphic industries. These reports were to be sent to the International Office. The national sections were further urged to report before March 1, 1908 on the prohibition of the use of lead colors, indicating for each country whether the interdiction had been pronounced by a law or by an administrative measure and whether it applied only to public works or especially to private works, and also the consequences of such prohibition as well



as the results which had been attained by the use of leadless colors. The Bureau was also to appoint a commission of three experts to make out, from the lists furnished by the experts whom the sections had appointed, a final list of the more important industrial poisons classified in the order of the seriousness of the malady they caused. This was in execution of a measure resolved at the assembly two years before; the whole question, aside from the Bern Conventions, seemed to stand just about where it had stood then.

The hope was expressed that the powers not adhering to the Bern Convention prohibiting the use of white phosphorus in the match industry would see their way clear to do so, and the sections were charged to labor with all their might for such prohibition.

The resolution on workmen's insurance stood upon the principle of the equality of foreigners and nationals before the law; the Association intimated its dependence upon the reports of the sections to ascertain to what degree it would be possible to realize this equality in insurance regulation by international agreement. It had already been partially realized by accident insurance treaties between Luxemburg and Belgium (April 15, 1905); France and Belgium (Feb. 21, 1906); France and Italy (June 9, 1906); France and Luxemburg (June 27, 1906); also in voluntary national enactments; *e.g.*, those of the German Federal Council under dates of 1901, 1905, and 1906. The formation of international treaties and conventions, the modification of existing law and the passage of new law, were advanced as possibilities to be duly considered and striven for in so far as they promoted the application of this principle: for its realization in national law would be a step toward its incorporation into international law. Reports were to be made by the sections at the next meeting upon various phases of the subject.

The information furnished the Association by the different national sections especially with respect to the enactment and execution of labor law in pursuance of international agreements, could, under the skillful manipulation of the Bureau, be made to partake of the nature of a sanction; such at least seemed to

be the hope of the assembly. The Association did not believe the time had as yet come to launch more international conventions; for, not only had those just signed at Bern yet to be fully tried but the agitation of the foregoing problems had yet to become of sufficient extent and intensity to warrant such a step. The delegates were too wise to forget that history is replete with instances where through ill advised haste devotees have wrought the ruin of some noble cause they sought to serve. Besides, the ground needed to be more carefully prepared, the questions more thoroughly analyzed, the whole movement more genuinely popularized, to make secure and safe another great advance, like that of the Bern Conventions, toward the international regulation of industry and labor—a consummation, as deemed by many of its advocates, of vital import not only to national industrial peace, but also to the international peace of the world.

*Results of the International Prize Contest Concerning Lead Poisoning.*

Shortly after the adjournment of this assembly occurred the announcement of the results of the prize contest which had been inaugurated by virtue of the contribution by anonymous philanthropists of 25,000 francs to be awarded to those who should produce the best treatises upon the subject of the prevention and suppression of plumbism. Announcement of this contest had been made by the commission on industrial poisons at the third meeting of the Association (1904), and the conditions of competition had been published June 10, 1905. Altogether sixty-three monographs arrived at the Office, some of which proved to be worthy of wide circulation and made valuable contributions to the movement for overcoming the evils resulting from the use of white lead and its compounds in industry. The decision of the judges did not award any prize to two works on the means of avoiding poisoning at the time of the treatment of mineral of lead or of minerals containing lead. It was proposed, however, to purchase a work entitled, *Margenstunde hat Gold im Munde*. Of a dozen works on the means of suppressing the dangers of lead in lead foundries, two were awarded prizes which together amounted to 12,500 francs. These treatises were en-

titled. *Wo ein Wille ist, ist auch ein Weg*, and *L'Homme n'est pas fait pour l'industrie, mais au contraire, l'industrie pour l'homme*. The office proposed the purchase of works on the subject carrying the titles: *Gesundheit ist Reichtum*, and *Die Hygiene sei die Freundin des Gewerbes*. No prize was awarded to any of a dozen works on means of avoiding toxication in the chemical use of lead in the manufacture of lead colors, accumulators, ceruse, and in similar industries. Two works entitled: *Quod felix faustum fortunatumque sit*, and *Die Humanität ein zug unseres Herzens*, received a prize of 937 francs each, from out the number of eight or ten competitors, all of whom treated the general topic of preventing lead poisoning in the industries of whitewashing, painting, varnishing, etc. A prize of 1,250 francs went to a work entitled, *Vae soli*, and two other awards of 937 francs each, to two essays entitled *Durch Nacht zum Licht*, and *Eile mit Weile*. These last three prize winners belonged to the category of dissertations which treated of preventive measures in establishments employing great quantities of lead or lead composition; e.g., type foundries. Numerous other contributions were proposed for purchase or given honorable mention. In no case however, did the International Office assume responsibility for the suggestions made or conclusions reached by the authors; it did proceed to give publicity to such of their contributions as were deemed worthy and valuable.

*International Congress on Unemployment. Milan, Oct. 1-2, 1906.*

The first International Congress on Unemployment,<sup>18</sup> held at Milan, Italy, in 1906, undertook, as its main task, to devise means for rendering unemployment less acute, without attempting to do away with it altogether; and therefore, it omitted in its resolutions to deal with the primary causes of unemployment, and went on to enumerate the most important factors requisite to combat the evil, e.g.: the determination of standards by which to regulate hours of work, wages, and contracts of labor; the more equitable distribution of labor within different groups; greater co-operation among all forms of labor; and the application of the doctrine

<sup>18</sup> E. B. I, (4-8), p. 322.

of intervention by state and local authorities. To facilitate such intervention, recommendations were made to require of all industries a periodic, statistical report of work and unemployment; to establish an international employment bureau and free public employment agencies in every center of population; to provide either optional or compulsory insurance against unemployment, supported by contributions from the State, employers, and workmen; to accord to labor ready access to credit, particularly for the co-operative acquisition of land; and to furnish, through local branches of the government, subsidies to employment bureaus established by workers. Of these resolutions, the one touching upon an international employment bureau was without doubt most worthy of immediate consideration and potentially capable of most far-reaching and helpful results. The scientific adjustment of the supply and demand of the labor market predicates immediate relief for all parties concerned; i.e., the State overcharged with labor, employers undersupplied, and workingmen unemployed. An International Association on Unemployment was organized in 1910.

*Eleventh International Conference on the Weekly Day of Rest.  
Milan, Oct. 29-31, 1906.*

Another international assembly followed close upon the heels of the Congress on Unemployment. This Conference concerned itself with the topic of weekly cessation of toil, laying down, as of general obligation, the observance of Sunday as a day of rest.<sup>14</sup> This would include Sunday rest for newspaper employees, and fifty-two days of rest annually, falling on Sunday as often as possible, for post-office employees. For countries where such regulations do not exist, the following reforms were recommended: only one postal delivery on Sunday, excepting express deliveries; non-delivery of postal, collection, and payment instructions, legal documents, and bankruptcy notices, and postal packets (notification to be given consignees of the arrival of packets containing perishable goods or marked for immediate delivery, leaving it for them to call for such within prescribed

<sup>14</sup> E. B. I, (9-12) pp. 604-605; 612-615.



post-office hours) ; and limitation of the opening of post offices on Sunday to two hours, preferably in the forenoon.

For telegraph, telephone and customs service, the resolutions stipulated a rest of sixty-five days per year for the staff, including thirty-nine Sundays or single days plus two vacations of thirteen consecutive days each; an international agreement permitting the sending of telegrams on Sunday only in special cases, with rates for either telegraphic or telephonic messages on that day made twice as high as on other days; and for occupiers of small offices, a salary sufficient to enable them to hire substitutes for a certain number of Sundays per year; and the adoption, for employees in general, of the principle of at least fifty-two free days annually, one-half of which fall on Sunday.

With reference to railway and merchant service, the last mentioned principle was advocated under the condition that single days of dominical rest would at least be made as numerous as possible. As a means to Sunday rest, the authorities concerned in the different countries were invited to decree the closing of freight stations except for the delivery of live animals; the limitation of the number of freight trains to the necessary minimum and their operation only in pursuance of great pressure of traffic; no obligation on the part of transportation officials to deliver shipments (the consignees being notified and privileged to call for such consignments, especially if of perishable nature); the abrogation of all claims for non-delivery of goods on Sunday; the governmental designation of holidays to be reckoned in lieu of Sundays; the discontinuance of labor pertaining to workshops, street repairs, the construction of large tunnels, and other building operations, except in cases of emergency; the extension of the benefits of holidays, in so far as possible, to employees of the merchant service as well as to dock and harbor hands, even if ships are in port and suspension of their unloading is thereby necessitated.

One of the resolutions also called for Sunday rest in the army and navy to the degree that circumstances would permit, parades being scheduled for other days.

The Conference did not wish to be understood as limiting in any degree the general obligation of Sunday rest, although it dealt

with the subject from the industrial standpoint particularly; but instead of thereby implying that its observance was to be made co-terminous with the limits of industry or manual labor merely, it rather emphasized that such rest constituted an obligation co-extensive with every class and order of society; at the same time, it did not fail to recognize that beyond this obligation were duties within which justifiable exceptions fell; to illustrate: in some instances Sunday rest might be impossible where weekly rest would be possible; *e.g.*, on Saturday; in such case, next to the obligation of providing Sunday rest would come the duty of providing for weekly Saturday rest, which, while constituting an exception to the principle of dominical rest, would nevertheless be the next best thing to it, if not equally salutary; it was frankly recognized, however, that circumstances were bound to exist which would preclude any solution of this character, and would thus make necessary the invention of other equivalents of hebdomadal rest.

*Third International Congress on the Cultivation of Rice. Pavia,  
Oct. 27-29, 1906.*

At Pavia, Italy, at almost the same time, the Third International Congress on the Cultivation of Rice included in its resolutions the decision that joint committees representing capital and labor were necessary for the settlement of inevitable industrial conflicts.<sup>15</sup>

*Second International Peace Conference at The Hague, August,  
1907*

In the course of the following year, the Portuguese Delegation at the Second International Peace Conference at The Hague proposed to replace Article Sixteen of the Hague Conventions with a new Article, by which, among other things, disputes with respect to the interpretation or application of international labor agreements would in all cases be subject to compulsory arbitration as a last resort; in other words, such agreements would be

<sup>15</sup> *E. B. I.*, (9-12) p. 604.

outside the purview of that section (Section 16A, of proposed article replacing Article 16) which in reality made each nation the final judge of what it would submit to arbitration, and which read as follows: ". . . it is the exclusive function of each contracting power to determine whether any difference which has arisen affects their essential interests or their independence and accordingly, whether such dispute is of such a nature that it is excluded from arbitration."<sup>16</sup> The proposal of the Delegation was not adopted.

As long as nations reserve the right on every question to determine whether or not it so affects their national interest or honor as to preclude its arbitration, the way is clear for them to find in every dispute elements that waive the obligation of arbitration; for there can be no difference of opinion important enough to make arbitration desirable that cannot be construed by one of the parties as a menace to its national interests or independence if it has the inclination to do so.<sup>17</sup> But unlike disputations in the realm of politics, labor contentions are not apt to be of a character intrinsically involving fine points of national honor. An agreement between nations to submit, when all other peaceable attempts fail, differences arising out of labor conventions to compulsory arbitration, would certainly be a notable step in advance. The arbitration would be rendered compulsory by the species of the agreement in dispute. Should an award of a tribunal on such a question be found to consign a nation to extinction, is it not reasonable to suppose that the victim would still find just as great opportunity to undertake means for self-preservation as would have been the case had it not submitted the matter to arbitration in the first place?

*Fifth Delegates' Meeting. Lucerne, Sept. 28-30, 1908.*

The Fifth Delegates' Meeting of the International Association for Labor Legislation was held at Lucerne. Its discussions continued and enlarged upon those of the previous meeting. The fact

<sup>16</sup> E. B. II, (3), p. 428. (See Scott. *The Hague Peace Conferences*, I, pp. 337, 349, 385.

<sup>17</sup> See J. B. Moore, "The Peace Problem," *The Columbia University Quarterly*, Vol. XVIII, No. 3, June, 1916, pp. 222-223.

that its deliberations dwelt upon the prohibition of the night-work of young persons and the limitation of the day-work of women is significant since these principles were in a few years (1913) to form the basis of outlines for new international conventions. A new topic specifically introduced was that of recommending and defining an eight-hour shift for workmen in coal mines. The succeeding assembly in 1910 dealt with the same matter and defined the length of such a shift as extending from the time when the first man left the surface to descend into the mine until the time when the first man completed his return to the surface at the conclusion of a day's work.

The resolutions drawn up at the previous meeting in 1906 on home-work were reaffirmed. The wretched conditions environing that work were attributed chiefly to the insufficient wages paid, and it was decided to study the question of the organization of committees on minimum wages or wages boards to solve the difficulty. The question of international negotiations with reference to the regulation of labor in the embroidery trade was also considered, as were the problems of suppressing the use of lead paint in interior finish and restricting the employment of lead glazes in the ceramic industry. Other matters that were discussed included the protection of workers in polygraphic trades and in caissons, the preparation of the list of industrial poisons, and the treatment of foreigners in case of accident. The resolutions on these subjects, on that of child labor and other topics, were confirmed in subsequent assemblies, whose resolutions summed up all of importance included in those of this assembly, added thereto and conduced to more practical results.

Between the years 1907-1909, the international movement seemed to lag. In the year 1906 it had reached a high-water mark, but thereafter practical results failed to follow in as rapid succession. Even the English Bulletin of the International Labor Office seemed to shrink. Signatories of the Bern Conventions were tardy in ratifying them. No important labor treaty was signed in the year 1908. By 1910 however, it had become evident that the Bern Conventions were going to be a success; and all phases of the movement received a vigorous treatment at the Sixth Delegates' Meeting held at Lugano in that year.



*Sixth Delegates' Meeting. Lugano, Sept. 26-28, 1910.*

Sixteen sections and thirteen States were represented, making an attendance of about one hundred and twenty persons. The delegates of the American Section were Dr. and Mrs. John B. Andrews, Prof. Farnam, Dr. L. K. Frankel, and Dr. Helen L. Sumner. Commissioner Charles P. Neill represented the Federal Government. From Canada there was present Hon. W. L. Mackenzie King, Minister of Labor.

The constitutions of two new sections in Sweden and Norway respectively were approved.

The usual procedure of separating into committees for the consideration of special topics was followed. The discussion of subjects introduced in former assemblies, related in part to industrial poisons, home work, the maximum workday, the principle of the equal treatment of foreigners and citizens in respect of social insurance, the methods of administering labor law, and child labor. Detailed codes regulating the hygienic conditions of work in ceramic industries, printing shops and type foundries and in caisson work, were adopted, together with resolutions advocating wage boards regulative of home work and similar to these provided by the British Act of 1910. The trade of machine-made embroidery where carried on as a home industry, received special attention in matters pertaining to the regulation of working hours. The most important steps taken related to measures for incorporating into international conventions the prohibition of night-work of young persons and a universal ten-hour standard by which to delimit their day work as well as that of women. A Conference to this end met in 1913. The American section was urged not to abate its efforts among the various states to bring about the passage of health and accident insurance laws without the discrimination against alien workers that had unfortunately occurred in several States. The International Office presented proofsheets of its first comparative report on measures adopted in European countries to enforce labor law. As for statutes on child labor, a commission was appointed to prepare a report on the comparative methods of executing the same in the several countries.

Topics newly introduced for consideration included labor holidays, the protection of railway employees and the prevention of accidents, and co-operation with the International Association on Unemployment and the Permanent Committee on Social Insurance. The question of the reduction of the usual twelve-hour day in continuous processes was made a subject for special investigation. At the next Delegates' Meeting in 1912, recommendations on the matter were precise and definite as the result of a conference that had been held shortly before (June, 1912) in London by the commission appointed to investigate the subject. Mr. John Fitch was the American delegate at that conference.

Inasmuch as divers operate in foreign waters and on ships of foreign nations, their trade also was deemed a proper one for international regulation. Investigation of this possibility was provided for; but up to the time of the next meeting (1912), little progress had been made in the matter.

The national sections were to press the prohibition of the use of lead paint and colors in interior work. One consequence of this was that later the Swiss Federal Council was invited to issue a decree prohibiting the use of lead colors in such work, and also the regulation that in commerce all such colors should be plainly marked, "poisonous, containing lead."<sup>18</sup> The Council was further recommended to consider, in any regulations issued for the prevention of occupational diseases, the principles drawn up by the Association for the regulation of hygienic conditions in the ceramic industry, type foundries, printing works and work in caissons. While the Association had not thought that caisson work was a vocation sufficiently affected by international competition to render it a proper subject for international agreement, it had nevertheless drawn up a series of regulations on the subject, of which it urged the adoption by individual States. The Council's reply was slightly tart, though not ungracious. It characterized efforts of this nature as meriting full recognition, and conducive to steady improvement of conditions in general; but it declared that international rivalry in the domain of the several measures recommended, was hardly important enough to give rise to international conventions. Then it reviewed various

<sup>18</sup> *E. B.* VI, (2) pp. 217-219.

Swiss regulations in prevention of occupational diseases, not ignoring defects but at the same time making obvious the marked improvement of conditions in Switzerland, and observing a trifle sarcastically mayhap, that the more unfavorable conditions in other countries were hardly to be considered a fair criterion of the situation in Switzerland. The Council tersely affirmed that sufficient evidence had not as yet been adduced to prove the necessity of abolishing the use of lead colors.

*Seventh Delegates' Meeting. Zurich, Sept. 10-12, 1912.*

The resolutions of the Seventh Delegates' Meeting at Zurich covered twenty-eight topics. Among the first of these was an expression of welcome to a section newly founded in Finland, and approval of its constitution. The Bureau of the Association was instructed to co-operate with the two International Associations on Unemployment and Social Insurance respectively, and with the Bureau of the International Home Work Congress in promoting social reform. It is interesting to note that within September of this year the four International Associations convened at Zurich within a short time of one another and thus gave rise to what was known as "social week," (Sept. 6-12). Thanks were tendered by the Seventh Delegates' Meeting to the Spanish Government for having prohibited the night-work of women; also, to the Swiss Department of Industry for its intention to recommend to the Swiss Federal Council the convocation of a second international conference on labor legislation (which met in 1913); to the Federal Government of the United States for prohibiting the importation and exportation of poisonous phosphorus matches and imposing a prohibitive tax; to the Government of Mexico for similar action; to the Governments of New Zealand and the Union of South Africa for adhering to the Bern Convention prohibiting the use of white phosphorus in the manufacture of matches; to the Hungarian Government for the enactment of the same prohibition; and to the authors of the official list of industrial poisons, so long (since 1904) the object of earnest desire, now completed and published in English, French, Italian, and Finnish. Plans were made for the appointment by the various governments of an international commission of statistical experts

to elaborate the principle to be followed by the States in issuing their statistics and reports on labor legislation so as to make possible the publication every four years of a comparative report on the administration of labor law. The introduction in all industrial countries of the principle of the Saturday half-holiday, as a prerequisite to real Sunday rest, received emphatic endorsement. The delegates desired that for women workers and young persons it should be made the subject of an international convention, and the subcommission collaborating on the principle of the maximum ten-hour workday, was instructed to consider this proposition as well and to report at the next associational meeting.

Progress in the suppression of the use of lead colors in painting and interior decorating, resulting from the legislative action of several States, was noted with satisfaction. Further investigation of plumbism, especially in the polygraphic and ceramic industries, was contemplated with a view to its suppression, and to the conclusion, in the case of the ceramic business, of an international convention restricting the use of lead. The widespread recognition, in legislation on social insurance, of the principle of the equality of aliens and citizens, so faithfully advocated by previous conferences and now adopted by the legislation of many lands, including states of the American Union, and in many treaties, also proved very gratifying. Other principles favored in this connection were: the reduction of rates of insurance paid to foreigners as against that paid to citizens in proportion only to the State's contributions to the insurance fund; and ultimately the preclusion of all necessity for such discrimination by the conclusion of international treaties; the settlement of the claims of insured parties, whether principals or assigns,<sup>19</sup> whose residence is outside the country of insurance, by the payment of a lump sum or by the transfer of the capital value of the annuity to an institution of the recipient's domicile; and the insurance of foreigners even in case of only temporary sojourn within the country. As at the last conference, the American section was urged to press its exertions in securing in the various

<sup>19</sup> In this volume the term "assign" is used to connote the "dependents," "survivors" or "parties entitled" of an insuree.



states of the Union suitable insurance laws against sickness and accident, not discriminating against foreign labor.

Further modes of procedure were defined in detail to subserve many other desirable ends among which may be mentioned: the eight-hour shift in continuous industry and the realization of the same, especially in steel works, through an international convention; the limitation, by the same means, of work in glass factories to fifty-six hours per week on an average; investigations relative to a hygienic working day in dangerous and unhealthy trades; the better protection of the interests of railroad employees, dock workers, miners, tunnel constructors, quarrymen, *etc.*, on an international basis; the abolition of the custom of exacting fines through deductions in wages as well as of the system of paying in kind or through tickets convertible at the employer's store, commonly known as "trucking"; the establishment of the principle of the refund of compulsory contributions made to pension or thrift funds, in case of the laborer's withdrawal from the engagement that entitled to such benefits; the alleviation, especially through effective administration of minimum rates by wage boards, of the unsatisfactory lot of the home worker; the suppression among workers of ankylostomiasis, anthrax, and mercurial poisoning; proper precautions in handling ferrosilicon; the study of the best methods of compiling morbidity and mortality statistics in different countries so as to arrive at a basis upon which to publish uniform international statistics of mortality by trades; the regulation of home work in the manufacture of Swiss embroidery and the suppression of evils resulting from the invention and continuous operation of automatic embroidery machines in factories of Germany, Austria, Switzerland, France, the United States, Italy, and Russia. These machines had been more widely put into operation since the last Delegates' Meeting and had injected a new factor into the embroidery problem.

Of the above, the subjects newly introduced as separate topics in the Association's program were: the Saturday half-holiday; the protection of dock workers; the truck system and deductions from wages; international statistics of morbidity and mortality among working classes; the handling of ferrosilicon; and the

## THE INTERNATIONAL PROTECTION OF LABOR

international prevention of anthrax amongst industrial workers and of mercurial poisoning in fur-cutting and hat-making

The next Meeting of the Association was scheduled for Bern in 1914, a meeting which failed to anticipate the war and which, it is therefore not surprising to remark, was never held.

### *Conference of Bern. Sept. 13, 1913.*

A special Conference at Bern preparatory to the creation of a new series of international conventions, held session in the fall of 1913. These draft conventions were never approved due to the war.\* The deliberations of the meeting receive attention in the following chapter, entitled, "Conventions Signed at Bern."

\* At the first general meeting of the International High Commission of Pan American States, held at Buenos Aires, April 3-12, 1916, one of the topics discussed was that of international agreements on uniform labor legislation. See *House Document* No. 1788, pp. 5-6, 23-24, 64th Congress, 2nd Session. *Report of the International High Commission.*

See Appendix II, Exhibit 25.

## MEMBERSHIP

## NATIONAL SECTIONS OF THE INTERNATIONAL ASSOCIATION

*(Publication of the Association, No. 8, p. 127)*

Section	1901	1902	1904	1906	1908	1910	1912
1. German	673	980	1,331	1,635	1,695	1,727	1,586*
2. Austrian	182	252	251	294	247	242	230
3. Belgian	66	74	77	78	78	72	72
4. Danish				97	147	143	140
5. Spanish				66	103	99	154
6. American				140	272	1,000	2,500
7. Finnish							111
8. French	113	134	290	450	466	515	570
9. British				67	117	205	298
10. Hungarian	70	332	335	241	192	201	233
11. Italian	71	80	80	120	120	172	104
12. Norwegian						81	146
13. Dutch	175	178	183	193	200	163	161
14. Swedish						170	173
15. Swiss	238	243	476	444	596	573	507
Direct Members	20	45	57	27	27	31	26
Total	1,608	2,318	3,080	3,852	4,260	5,394	7,011

\* The membership of the German Section was calculated on a different basis for 1912 and is therefore not comparable with earlier years.

## CHAPTER IV

### PRO ET CONTRA.

#### *Objections.*

The movement for the international protection of labor has had its full share of detractors. It is enlightening as well as fair to consider the full weight of the objections they raise.

*To Regulate Relations Between Capital and Labor is not Within the Province of the State.*

On 10th May, 1881, the Swiss Federal Council proposed to several European States that negotiations be undertaken for the creation of international legislation on factories. France replied that it was not within the province of the State to interfere with contracts between employers and employees, either nationally or internationally, unless possibly in cases of extreme necessity.\*

#### *Opposition of Employers.*

Employers find in factory restrictions favoring labor many distasteful features. In world markets they are obliged to compete with goods produced by the cheap labor of industry that is unhampered by restrictive labor law. If forced to limit production, as a result of the non-employment of women at night, or by reducing the length of the workday, *etc.*, they fall behind in the industrial race; their business, in which they have invested their capital and maybe the best part of their lives, suffers depression or fails, while the laborers themselves suffer by being deprived of their means of subsistence.

#### *Opposition of Laborers.*

Thus the laboring class may see in international regulation a menace to its own prosperity. Even as philanthropic and well-disposed a person as Dr. Franck,\*\* who thought himself in favor of the international movement, recognized the unwisdom of

\* See p. 19.

\*\* See p. 20.



unduly limiting the work of women and children, who should be permitted to help the family lay in store against the rainy day of hard times. And yet the first international convention signed at Bern strikes at the right of women to engage in night-work, and pending conventions look toward the ultimate limitation of their day-work. It has been said that laborers prefer to live badly than not at all; but the extension of prohibitions such as the above is cutting the ground of livelihood from right under their feet. When workers prefer to increase the family income and insure better standards of living by extra work, is it not shortsighted and unkind procedure to deny them the privilege?

*Differences in Laboring Peoples.*

Moreover, is it to be expected that a rule applicable to alert workmen of the temperate zone will be equally applicable to more sluggish and easy-going laborers of the torrid zone? Are industries in Ceylon to undergo the same regulations as industries in Iceland, as international regulation would seem to predicate? Do not children of one land mature much less quickly than those of another, and may not laws suitable in one case be wholly inapplicable in the other? Measures adapted to protect one laboring population may be a menace if applied to the folk of another clime.

*Dissimilarity in Geographic Environment.*

Climate is of itself a well-nigh insurmountable obstacle to **any uniform** regulation of industry such as is postulated by the international protective movement. Why, for instance, should night-work be prohibited to women in tropical countries where the only cool period in twenty-four hours extends from sunset to sunrise? Each country must be left to draw up those regulations best adapted to its geographic conditions without trying to adhere to any uniform statutes decreed for all countries of the world alike. Differences in soil, mineral resources, supplies of water and fuel, seasonal changes with their effect on goods handled, and natural conditions in general make for such dissimilarity in manufacturing processes as to defy the realization of **uniformity in labor regulation.**

## THE INTERNATIONAL PROTECTION OF LABOR

### *Differing Systems of Labor Legislation.*

Different States have by a long and slow process of evolution built up systems of labor legislation and administration adapted to their peculiarities of situation, geographic, social, and economic. Is it reasonable to expect a State to overthrow or supersede such a system by the adoption of some international code which may be quite suitable to some other country or group of countries, but is wholly unadapted to its own industrial organization? Some countries, for example the United States, have not in the past seemed to favor uniformity in their own internal administration of labor law; if this remains the case, how much more incongruous is the attempt at uniformity on an international scale?

### *Constitutional Dissimilitude.*

Differing constitutional systems also doom the attempt at international protection of labor to ultimate failure. Labor legislation that is possible under an autocratic rule may be quite impossible under a democratic rule. Moreover, States belonging to the same category according to the classifications of political science may have very diverse methods of administering labor legislation. Adhesion to the Bern Convention prohibiting night-work for women may present no particular difficulty to the Federal Government of Switzerland; but how is the Federal Government of the United States to become party to that convention and remain loyal to the principle of leaving the regulation of intra-state industry to the legislatures of the individual states of the Union?

But waiving the constitutional difficulties, a country with large capital and well established industry may find itself able to submit to limitations imposed by protective labor law that will spell absolute ruin to the industry of a nation with little capital, or to the infant industry of a young industrial nation. In the weaker country, are not the laboring people to be allowed, by excessive hours of work, to compensate national deficiency of fiscal resources, or lack of industrial longevity? If the less favored country becomes subject to a regulation such as that

of the Bern Convention on white phosphorus, it may be forced to substitute a more expensive substance; and consequently, to make up for the extra cost of production, it may be obliged to increase the hours of labor, or if that is forbidden, to require faster and more exhausting work per hour, from which the employees will suffer more than if there had been no so-called protective measure. If the burden is not thus shifted to the laborer, the employer must lose, until possibly the industry ceases to pay and is allowed to disappear to the detriment of every class concerned. Thus do different circumstances conditioning production in the several countries of the globe militate against the advisability of international agreements making for uniformity in the protection of labor.

### *Difficulties of Enforcing the Law*

But even if countries do go through the formalities of signing and ratifying labor agreements, who is to superintend or guarantee their faithful execution? The difficulties which immediately arise over the question of a sanction became only too evident at the Diplomatic Conference of Bern in 1906.\* Imagine the harmonious co-operation of an industrial commission of Englishmen, Germans, Italians and Austrians, charged with supervising the enforcement of law in various countries! How could such a commission avoid the transgression of national sovereignty? If the enforcement is left to each State, who is to know whether they will enforce the law or not? What assurance is there that the large State will not yield to the temptation of intermeddling with the affairs of the small State under pretext of checking delinquences on the part of the latter in the observance of its pledges?

### *Contradictory Interpretations.*

For an example of the differences of opinion that may arise in interpreting a treaty, note the quibble raised by certain co-signatories to the Convention prohibiting the use of white phosphorus over the question as to whether the importation of sample matches containing that substance was forbidden.\*\*

\* See p. 122.

\*\* See p. 131.

*Source of Friction and War*

Thus differences in interpretation, laxity in execution, mutual jealousy and suspicion, would constitute an interminable source of friction which might even induce war. Such possibilities constitute their own commentary upon the desirability of international protective labor agreements. . . . And thus the indictment of the objector is closed.

If these difficulties seem to loom so large upon the horizon of possibilities now, how doubly immense must they have seemed to the early proponents of the movement, who had no international labor conventions to which to point as proof positive of the possibility of their existence and the success of their operation. But certain arguments of the objector are already out of date. Such certainly is the asseveration that it is not within the province of the State to intervene between capital and labor in the regulation of industry. Indeed, intervention has been found absolutely necessary and salutary by every great industrial nation of the world.

That employers have found fault with such intervention in many instances is true, but their objecting has been much more strenuous in the national domain of regulation than in the international; and so much the more have they been subjected to State control by the most efficient industrial nations of the world. Germany was an example of such efficiency before the war. Those who are familiar with the history of industry know that employers, under the urge of competition and in devotion to their own profits, have been careless of the rights of labor, and to that degree has the field of industry in which they might exercise their own free will been constantly narrowed by the hands of government. It may be human nature for employers to object, but that is far from proving that it is wise or humane to heed their faultfinding. However innumerable their objections may have been, it is safe to say, as will be demonstrated hereafter, that from the standpoint of pure self-interest, employers will find



more to favor in the international control of labor than to object to in national regulation. It is needless to add that unnumbered directors of industry are heartily in favor of protective labor law for the sake of industry as well as of labor.

As for the opposition of labor to protective measures, it is almost non-existent. For half a century labor has been a propelling force behind the protective movement. It believes in "protection from dangerous machinery and occupational diseases; the abolition of child labor; the regulation of the hours of labor for women as shall safeguard the physical and moral health of the community; suppression of the sweating system; reduction of the hours of labor to the lowest practicable point, and that degree of leisure for all which is the condition of the highest life; a release from employment one day in seven; a living wage as the minimum in every industry, and the highest wage that each industry can afford; suitable provision for the old age of workers and for those incapacitated by injury in industry";\* "the lifting of the crushing burdens of the poor, and the reduction of the hardships and the upholding of the dignity of labor." The mass of labor is not to be hoodwinked into turning traitor to its own interests. The resolutions (Appendix II) of international congresses representative of labor of all parts of the world are sufficient proof of this.

*Wherein International Labor Conventions Have Solved Difficulties Presented by Differences in Race, Geographical Conditions, Constitutional Systems, Labor Legislation, Relative Strength of States, etc.*

A false assumption of the opponents of the movement seems to be that international regulation presupposes absolute uniformity of regulation. But this is not true. It makes for uniformity in all cases lending themselves to uniformity; it makes for legitimate exceptions in all other cases. A short answer to the list of objections cited above is that, in spite of all difficulties, international labor conventions have been applied and applied suc-

\* Resolutions of Religious Organizations cited in the *Supplement to The Typographical Journal*, Oct. 1911, pp. 23-30.

cessfully to peoples differing in race, geographical environment, government, financial resources, and labor legislation. These conventions have encountered practically all the ubiquitous obstacles which the antagonists of the movement have carried in their brief cases for forty years; and only a study of each convention's provisions will reveal why it has survived.

Consider the Bern Convention aiming at the prohibition of night-work for women. It has conduced to the repeal of old or passage of new law among the leading powers of the world, to say nothing of dependencies; and has wrought reform and made for uniformity that never before existed. But we have been told that while this may be well and good for Europe, how unconscionably brutal would be its application to the females of central Africa whom perforce it would compel to labor in the heat of the day rather than the cool of night! But this is not the case. Should the night or some portion of the night be found to be the more healthful time for toil upon the equator, the Convention distinctly leaves a way open whereby that can be allowed; provided, of course, compensatory rest is accorded during the day (See Art. VII).<sup>\*</sup> Thus does it prove that desirable uniformity in the matter of guaranteeing rest during the night, or its equivalent, and dissimilarity of geographic conditions are not incompatible yokefellows. Its adherents now reach from the tropical islands of Fijii and Ceylon to Norway in the longitude of Iceland. Moreover, for slow and sluggish populations or native works that cannot be practically or rightfully subjected to its regulations, ample considerations are provided since a power in notifying the adhesion of a colony may make necessary reservations (Art. VI-VII). For industries in every country demanding special treatment, due exceptions are made, as well as for emergencies or necessities in every industry (Art. III, IV, VIII). The Convention is so constructed as to be reasonably adaptable to every clime and all conditions, and yet to secure the desirable aspects of the reform aimed at.

Differences in government or industrial organization have not presented any impassable barrier. The Bern Conventions have been applied by autocracies, monarchies, and republics with all

<sup>\*</sup> Appendix I, Exhibit 3.

sorts of differing labor law. The relation of the United States is peculiar. After the Convention banning white phosphorus had been adhered to by other leading industrial nations, the American Congress was constrained to introduce prohibitions which were practically equivalent. Hindered by constitutional practises, we attempt to follow a worthy example as best we can; but to continue so to follow, if America prefers the less honorable (but by no means dishonorable) course of following rather than leading, some changes in the theory and practise of American labor administration must occur. The movement presents a problem to America much more than America presents a problem to the movement.

But again we are told that through this movement the weak State may be forced to lock arms with industrial ruin. Is it of no significance that one of the smallest of industrial States has been the leader of the cause? Small countries, weaker financially and industrially than their more powerful contemporaries, have not found in the Bern Conventions any short cut to industrial suicide. Whether small or great, old or young, a country's powers of endurance in the industrial race are guaranteed by the conservation of its labor force even to the third and fourth generation. Real patriotism looks beyond the present moment. The legacy of a healthy ancestry constitutes the moral right of posterity. Protection of labor is essential to national perpetuity plus industrial vitality. Experience has proved that healthy workmen produce more and better goods in a shorter workday than unhealthy workmen in a longer day. In other words, conservation of human resources pays capital as well as labor. But should protective law mean an inevitable loss, both small and large States can much better afford to let capital foot a temporary loss in dollars and cents than to let labor pay the price by the exhaustion and degeneration of its women and children. If, however, a young or weak industrial nation is convinced that immediate adhesion spells ruin, it may await the firmer establishment of its institutions without arousing suspicion; but the large or old industrial State that refuses to adhere may with greater reason be suspected of contemplating temporary profits by taking a discreditable advantage in the world market.

As for the assumption that international labor law will not be enforced if enacted, facts again belie the ill prediction. So far as time has permitted, such law has been enforced with very slight friction or laxity. The war constituted an unavoidable interruption, but no valid argument against the cause. Even had the war led to the denunciation of all the labor conventions or treaties ever ratified, they had lived long enough to propagate their kind. By the international dissemination of relevant facts about the labor situation, by encouraging the comparative study of protective law, and by stimulating to progress in legislation along such lines, the International Association for Labor Legislation with its Bulletins, Office, and national sections, had proved to partake of the elements of a very effective sanction for the law in question. Unlike the Permanent Court at The Hague, it possessed an organization that lacked the official title of permanence but supplied the fact instead. Constantly and uninterruptedly it strove for the realization of the principles for the sake of which it was created.

Thus, however formidable certain objections to the movement may seem, no one of them is insurmountable; and in a vast majority of cases we can leave them to encompass their own undoing by mere self-exinication. The fact, however, that a man is killed is no proof that his opponent ought to live, although the slaying of an argument does tend to create a presumption in favor of the side that slays. What has been said is by way of refutation; it remains to adduce constructive argument to establish the desirability of the means adopted to protect labor on an international basis.

For the sake of definiteness, we limit the proposition as follows: Resolved, That international conventions constitute the best method of securing certain desirable regulations protective of labor.

I. In the first place, the affirmative of this proposition has been proved by two international Conventions.

A. No sane person familiar with the disease of necrosis of the jawbone, popularly known as "phossy jaw," will deny the indisputable desirability of its prevention. Before the enactment of the Bern Conventions, "phossy jaw" was a prevalent and prac-



tically ineradicable disease directly attributable to the use of white (yellow)phosphorus in the manufacture of matches. It was ineradicable because industry insisted upon the employment of white phosphorus on account of its cheapness, and government gave its sanction in order that national industry might compete successfully with other industrial nations that used the substance, among which were Great Britain, the United States, Hungary, Norway, Italy, *etc.* Although approximately half a dozen States had passed some kind of law prohibiting or restricting the use of the substance, other attempts to eliminate it had failed. But when the possibility of international prohibition was broached, industry and governments gave respectful attention, and co-operated for the elimination of the plague. So powerful did the movement become when made international, in marked contrast to its feebleness nationally, that even the United States, although not a signatory to the Convention, nevertheless took effective steps to abolish the poison. These achievements alone fully vindicate the movement and prove our proposition.

B. The Bern Convention prohibiting the night-work of women worked reform salutary and likewise international in scope. The various national measures taken to limit and prohibit such work constitute their own proof of the widely recognized desirability of such protection. The unprecedented success with which the reform met when it was expressed in the terms of an international convention, is again convincing proof that this is the best method which has ever been discovered to procure the most effective application of certain regulations in protection of labor. In proof of the assertion we cite the history of the case presented in Chapters III (Part I) and I (Part II), and also the arguments as given by the International Labor Office. (App. II, Exhibit 24).

II. In the second place, there still exists a need for protective labor laws which can be most effectively realized only through international co-operation; *e. g.*, laws establishing the principle of release from employment one day in seven, concerning reciprocity of treatment of foreign workers with respect to insurance agreements, concerning the migration or recruitment of alien labor, protecting employees from contracting diseases through handling materials such as white lead, *etc.* For brevity's sake, we will confine ourselves to the desirability of an international con-

vention realizing to a greater extent than heretofore the last of the above-mentioned reforms, which, once established, is again sufficient to prove our proposition.

A. The attempts of nations to prevent industrial disease is proof of a widespread desire for such reform. To verify the statement, there need only be reviewed the labor legislation of England, France, Germany, Italy, and other countries and the recommendations of the Washington Conference of 1919. The mass of facts which have led to the general recognition of the desirability of laws of this character for the sake of the physical welfare of workers, we believe it to be unnecessary to marshal here.

B. The fact that the Washington Conference of the International Labor Organization of the League of Nations drew up recommendations upon this subject with a view to effect being given them by national legislation or otherwise, goes to prove, aside from the fact of the deeply felt need of such legislation, that nations believe international co-operation to be the best and most effective means by which to consummate such reforms. There are various grounds which show their belief to be a sound one.

1. Governments swayed by national self-interest are not prone to expose their industries to the hazard of falling behind in the competition of international markets through the imposition of restrictive laws which competing nations do not adopt.

2. Employers are less willing to risk an increase in the cost of production by the adoption of protective law when it means either a loss of profits or an increase of their commodity's selling price, which may lose for them their relative position in markets captured by business of other countries not subject to equally stringent labor law. Capital may forsake and ruin industry so handicapped.

3. Governments and employers become willing to submit to the restrictions of labor law to whose mutual adoption all competing nations have agreed; for such concurrent action tends to leave the industry of each country in the same relative position in world markets as existed before the law was imposed. Viewed from the standpoint of national industrial prestige and employers' interests, international protective law has a distinguishing advantage over national labor law.

4. Protective laws tend to allay the discontent of labor, there-

by preventing strikes disastrous to industry, national prosperity, and often to the laborers themselves. Indeed international conventions are deemed by many to constitute one of the most effective remedies for civil strife between capital and labor.

5. Moreover, limitation of output by international agreement is an antidote for overproduction and the evils which reaction brings in its train; *i. e.*, the closing of shops, unemployment, paralysis of trade, and in consequence a national crisis.

III. In the third place international law for labor benefits all parties concerned.

A. *The laborer.* If it did not benefit labor it would not be protective. The elimination of "phossy jaw" is a practical illustration in point.

B. *The employer.* Protection means a healthier working force, which, as experience has proved, can produce more and better goods in shorter time, tending thus to compensate for any increased cost of production that protective law may involve. The supply of labor for the future is conserved instead of destroyed or enfeebled, while the menace of strikes is diminished. These among other things, the employer stands to gain without sacrificing his relative position in the world market as has been shown.

C. *The nation.* Industry that thrives and labor that is prosperous will supply to a nation the wherewithals of general prosperity, especially if that nation is "rooted and grounded" in industry.

D. *The world.* In proportion as nations progress or fail to progress in the fine art of co-operation, especially if it be for the welfare of humanity, in that proportion will they hasten or retard the dawn of universal peace. International engagements for the regulation of labor predicate such co-operation, and are therefore directly to the interest and advancement of world-wide peace. This is what Mr. Sarrien of the French cabinet had in mind in 1906 when he spoke in endorsement of the movement.\* Failure to enact international law may become a direct menace to every party above mentioned by tending to discourage protective law in well-disposed nations where it now exists, and reviving international competition in exploitation of women and degeneration of children.

\* See p. 118.

IV. As a fourth and final point, we may advert to the tact that experience has proved the entire practicability of the kind of law advocated. If any doubter presumes still to demand evidence in support of this assertion, we invite him to recapitulate the facts we endeavored to set forth in the rebuttal that preceded this brief outline of a constructive argument, then to reread the documents signed at Bern and their subsequent history, and finally to make thorough use of the Bibliography.



## CHAPTER V.

### THE RELATION OF AMERICA.

In 1910 three things stood out distinctly in the general regulation of labor conditions in Europe:

(1) A clear recognition by governments of the need of protection for industrial populations;

(2) A definite and well organized attempt on the part of governments to meet that need;

(3) International co-operation to supplement national shortcomings.

I. Now imagine forty-eight competing industrial countries in that same year, many of them great and powerful, but fully a generation behind Europe in initiating the protective laws needed by their working classes, where, as followers of the vocation averred, four workmen were killed in mining accidents to every miner fatally injured in Europe;<sup>1</sup> where the horrors of "phossy Jaw" were allowed to spread in the midst of working men and women without statutes to eliminate the use of the poisonous phosphorus that caused the disease; where methods used in the making of storage batteries and lead products were far more dangerous, and unnecessarily so, than those used in England or Europe; where the same was true of painting trades when they were compared with the same occupations in England, France, Germany, and the Low Countries<sup>2</sup>; where only twenty-eight of the forty-eight states in question had laws to conserve the health or comfort of factory employees, and only twenty-one provided any protection against dangerous machinery<sup>3</sup>; where not a single one had any adequate regulation for factory illumination in its

<sup>1</sup> This and many following facts are taken from statements of various contributors to the *American Labor Legislation Review*. Vols. I-VII. If in any case their statements do not hold good for the year 1910, they do for some period within 1910-1913. See *American Labor Legislation Review*, Vol. I, (1) p. 44.

<sup>2</sup> *Ibid.*, I, (1) pp. 21-22.

<sup>3</sup> *Ibid.*, I, (2) pp. 1-2.

vital relation to the health of the workmen<sup>4</sup>; where only one had a real factory ventilation law<sup>5</sup>; where not a single legislative body had passed a law compelling the effective removal of poisonous gases, fumes and vapors by well defined mechanical appliances<sup>6</sup>; and where no physicians were required by state law to report occupational diseases<sup>7</sup>.

Lest the indictment become monotonous, we pause; but it is essential for the sake of comparison that we still add to it some important facts. The night-work of women and children seemed to be steadily increasing<sup>8</sup>; only three States of the forty-eight had any workmen's compensation laws<sup>9</sup>; none had any state insurance against sickness, old age and invalidity, death, or unemployment, and that in the light of the extensive social insurance systems of Europe!

The annual social and economic cost of employees' sickness was estimated at over \$770,000,000 while the estimated cases of disease totalled over 13,000,000 causing the loss of over 280,000,000 days of productive work.<sup>10</sup> Preventable ill health was reckoned to entail for the nation an economic waste of at least 193 million dollars each year.<sup>11</sup> The world's record for pre-eminence in the slaying and mangling of men, women, and children in industry was not infrequently conceded to the said territories, whose fatal accidents were variously numbered at from 15,000 to 57,500 *per annum*.<sup>12</sup> It was further calculated that the workmen injured during the same period would be sufficiently numerous to populate a city half the size of greater New York.<sup>13</sup> According to conservative estimates, 4,500,000 employees were regularly engaged in seven-day labor at the same time that Sunday rest, or compensatory rest, prevailed under national law in Italy and France, and the same principle of compensatory rest was embodied in law in various parts of the world, including Argentina,

<sup>4</sup>*Ibid.*, I, (2) pp. 114-115.

<sup>5</sup>*Ibid.*, I, (2) p. 118.

<sup>6</sup>*Ibid.*, I, (2) p. 122.

<sup>7</sup>*Ibid.*, I, (4) p. 107.

<sup>8</sup>*Ibid.*, I, (4) p. 141.

<sup>9</sup>*Ibid.*, I, (1) p. 55.

<sup>10</sup>*Ibid.*, I, (1) p. 127.

<sup>11</sup>*Ibid.*, I, (1) p. 127.

<sup>12</sup>*Ibid.*, IV, (4) p. 562.

<sup>13</sup>*Ibid.*, III, (1) p. 67.

Austria, Bosnia, Herzegovina, Belgium, British India, Canada, Cape of Good Hope, Chili, Denmark, France, Germany, Italy, Portugal, Roumania, Spain, *etc.*<sup>14</sup> Such were forty-eight industrial societies in 1910, inflicting upon employers and employees human and fiscal losses of the character described, and recognized before the bar of world opinion as at least one generation behind the times in any adequate governmental recognition of responsibility for the health and welfare of 33,500,000 workers.

But let us be careful to heed the injunction "to judge not that ye be not judged." Possibly these countries were unenlightened lands? Whatever their standing and however much certain facts in their case may have been unwittingly exaggerated by those who attempted to ascertain the true condition of affairs (many of the calculations are known to be understated), the situation was certainly, to put it mildly, an unfavorable one.

II. But waiving the appalling need in the forty-eight states, let us examine what their governments actually had accomplished by 1910, in the way of protecting labor. To cope with conditions such as theirs, we should expect to find these peoples ardently at work; firstly, gathering vital statistics upon which to base successfully legislation, as have their European contemporaries; secondly, developing the science of precise and appropriate labor law; and thirdly, employing an efficient inspectorate in conjunction with a carefully wrought-out scheme for enforcing the law. What then are the facts in regard to the first premise?

We find that for any considerable amount of the valuable statistics we are seeking, we must look elsewhere than to the reports of their factory inspectors. We know very well that this would not be the case were we investigating similar reports in England, Germany, France, Austria, or Belgium.<sup>15</sup> We discover that if a statistician seeks to evolve order from the chaos of their information on industrial casualties, he must command superhuman powers and find relief in the fact that only fourteen of the states require any systematic reporting of accidents at all.<sup>16</sup> Nevertheless, we should not despair, but look further. For their

<sup>14</sup> *Ibid.*, III, (1) pp. 55-57.

<sup>15</sup> *Ibid.*, I, (1) p. 35.

<sup>16</sup> *Ibid.*, I, (2) p. 2; IV, (4) pp. 563-564.

statistics on occupational maladies, which must form the basis of all intelligent legislation against industrial disease, we will investigate the reports of their physicians. Alas, we recall that not one of the forty-eight require any such reports! Such unthinkable laxity would be beyond all comprehension in the enlightened communities of Europe; for Europe, we must remember, prefers to do her killing in quite another way. And shall we add, that if like Europe these states were to preserve the health of their people in order that the world might witness a more splendid spectacle in the arena of battle, we doubt the ultimate progress that would be made after all?

But shall we hazard further inquiry? Have not the states at least a modern treatise on occupational diseases by a native authority on industrial hygiene? No, not one.<sup>17</sup> And yet England possesses the monumental work of Thomas Oliver on that subject and, since 1855, has been compiling valuable official reports and statistics relating to the health of the English industrial, as compared with which anything that the forty-eight states, individually or collectively, can produce is of humiliating insignificance. But Germany, Austria, and other continental countries, if anything, surpass England in this respect. Dr. Theodore Weyl is the foremost German authority. In 1905 the German Imperial Parliament voted about \$80,000 for the analysis of certain mortality and sickness statistics, which authorities recognized as indispensable to the intelligent safeguarding of the nation's health, but with which the famous forty-eight, consistent with their record, had nothing to compare; for, if they had amassed all that they possessed upon the topic of industrial disease, its paucity would have become painfully evident in comparison with the wealth of European information on the subject.

Having thus discovered that by 1910, they had next to nothing upon which to build respectable labor law, it is with considerable misgiving that we approach the investigation of our second premise; *viz.*, the labor statutes that they did possess. The character and extent of legislation they did not possess must have been suggested by facts already stated; and it does not allay our apprehension any to discover that their legislators sometimes

<sup>17</sup> *Ibid.*, I, (1) pp. 129-137.



deemed themselves quite equal to the task of drafting protective labor law overnight. Need it be a cause for surprise if the chief statistician of the New York State Department of Labor, Mr. Leonard W. Hatch, found that the legislatures of these commonwealths managed to produce factory laws which had "not passed beyond a fairly primitive stage."<sup>18</sup> And in view of these facts, would it be strange if yonder in Central Europe some self-righteous pharisee had piously murmured: "By their fruits ye shall know them"? Moreover, some of these legislators discovered that it was much easier to copy a labor law than to create a labor law, and they acted according to the light they had.

Among the defects that may be pointed out in respect of this legislation were: (1) too great generality and vagueness in reference to the provisions to be applied and the establishments involved; (2) great rigidity of detail regarding a few specific processes but lack of definiteness as to the industries contemplated; (3) a narrow range of application when the intent was perfectly clear. It is therefore obvious that the enforcement of many of the laws depended entirely upon the advent of a very extraordinary inspection corps.

This brings us to the third premise, which concerns the mechanism of their law-enforcing institutions. After careful inquiry we find that in 1910, of these forty-eight industrial States, exactly three had a factory inspection force whose members were obliged to pass a civil service examination to become eligible.<sup>19</sup> In Prussia, we are told, the prospective inspectors pursued three years of technical study including such subjects as mechanics and chemistry, beside one and one-half years of work upon economics and public law. In addition to this, they passed two examinations in a German university. We have, since 1910, been forcibly reminded of the fact that Prussia has the failing of going to extremes. There is a "golden mean", and to err on one side may be just as bad as to go astray on the other. But to return to our subject, the appropriations of the forty-eight States for inspection were in a vast number of cases entirely inadequate, while unsuitable and antiquated methods akin to the "spoils system" were too frequently employed in the appointment of the offi-

<sup>18</sup> *Ibid.*, I, (2) p. 106.

<sup>19</sup> *Ibid.*, I, (1) p. 13.

cials in charge. One great state with more than 70,000 workers had one factory inspector; fourteen others had none whatever for industry employing nearly one-half million people. For an area of over three million square miles and possessed of 7,000,000 employees, there were to be found among the states approximately 425 inspectors. It is said, on reliable authority, that probably in no one state were standards of inspection so high as in England, France, Prussia, Saxony, Russia, Holland, Spain, Finland, Hungary, or Norway. The annual report of the chief factory inspector in one of the great commonwealths constituted exactly fourteen words (July 1, 1911): "I have visited the same factories as last year and find conditions the same."<sup>20</sup>

Such was their efficiency in the enforcement of industrial law. In the hope of discovering a definite and satisfactory attempt to meet labor's need of protection, we have weighed these states three times; firstly, as to their progress in the collection of necessary statistics; secondly, as to the character of their labor laws; and thirdly, as to their enforcement of those laws; and in each instance they have been found wanting.

Furthermore, in addition to, and as a partial explanation of, their great lack, the courts of many of these states held to principles of the common law and constitutional interpretations whereby important protective law was held actually illegal. In adherence to the principle of "freedom of contract," they refused to sanction many such interferences of the state between employers and employees as were necessary to establish compensation laws, social insurance, limitation of the hours of labor, *etc.*, preferring to remain in that stage of economic thought which was voiced by France in 1881.<sup>21</sup> If an employee who had become the victim of an accident, wished to obtain redress, he was obliged to sue under a judicial system that seemed to be biased in favor of employers by three widely accepted doctrines: (1) The fellow-servant doctrine, by which it devolved upon the claimant to prove that his injury was not due to any fault of a fellow employee; (2) the doctrine of the assumption of risk, which is to say that an employee by accepting the contract to work, had assumed the

<sup>20</sup> *Ibid.*, III, (1) pp. 23-28.

<sup>21</sup> See p. 20.

risk incident to the business; (3) and the doctrine of contributory negligence to the effect that carelessness of the employee contributory to an accident constituted a defense for the employer. These judge-made doctrines became so palpably unfair that the 80's saw in England the origin of an important movement, whose influence was later felt in the United States, in favor of employers' liability laws to counteract injustices of the system and to make employers liable for damages in cases of accident that they might have prevented.<sup>22</sup> These laws made it possible for the worker to recover damages when he could prove that negligence on the part of his employer was responsible for the accident that gave rise to the injury. The common law theory of liability was not abandoned and the employer was not made liable for accidents due to risks concealed in the business rather than to any fault or negligence. The laws, however, have involved much litigation and have never been deemed a satisfactory solution of the problem.

III. Our next inquiry is with reference to the co-operation of these states in supplementing by mutual agreement their individual shortcomings. They are adjacent one to the other. Evils and losses incident to competition unrestricted by mutual agreement are theirs, and have fallen upon employers as well as upon employees. This is evident from facts already stated. Practically all of the arguments that were found to vindicate international labor law as between the countries of Europe and other parts of the world (Chapter IV) are found to hold equally good, and in most cases doubly so, for these forty-eight states. Diversity of conditions of production among them are great, but not as great as obtains between many of the other countries referred to. Furthermore, the advantages derived from national adhesion to international labor conventions should accrue in equal, if not in greater measure, to a similar industrial co-operation between these states. Producers who suffer an annual loss of millions of dollars partly because of the inadequate protection of labor,<sup>23</sup> ought to realize that this is not good business. When Europe made that discovery, she acted upon it. The working populations

<sup>22</sup> *Amer. Lab. Leg. Rev.*, I, (1) p. 57.

<sup>23</sup> See p. 80.



of these states are shifting constantly from one to the other and give rise to a large percentage of the problems that the nations of Europe, in view of a similar migration of their subjects, have found susceptible of solution only through treaties.

What then is the attitude of these states toward co-operation in the matter of protective labor law? *A priori* this would seem to be a question readily answered, for we may now discover for the sake of convenience that these forty-eight industrial entities form a federal union and have a central Federal Government. The answer, however, is not that which we would naturally expect, for reasons which follow:

(1) The Constitution of their central Government they may so interpret as to prohibit federal legislative control of intra-state industry. By reason of Article 1, Section 8, "The Congress shall have power to regulate commerce with foreign nations and among the several states," authority over interstate commerce is delegated to the Federal Government, but upon the principle that powers not so delegated are reserved to the states, intra-state commerce remains a subject for state legislation. Consequently, it may be held that the Federal Government ought not to presume to sign a treaty such as the Bern Convention prohibiting night-work for women inasmuch as its enforcement would involve undue interference with intra-state industry.

(2) The same constitutional system prevents the states from entering into treaties among themselves or with the Federal Government, by which otherwise they might obtain uniformity of industrial regulation.

(3) Individual participation in any international agreement is likewise forbidden to each one of the forty-eight states.

What more ingenious construction of law could be devised to obstruct interstate, national and international co-operation in the uniform and legal protection of labor?

Such were forty-eight industrial countries in 1910, which individually failed to provide proper protection for their working people, and which collectively seemed to favor such an interpretation of their constitutional system as not only prohibited their



Federal Government from introducing the protection needed, but also precluded it from becoming party to international guarantees of protection for the laboring peoples of the world; and these forty-eight states in 1910 constituted the same people who, as the self-avowed defenders of humanity, were in 1918 justly and proudly pouring out their treasure and their blood to rescue from impending disaster the civilization of the world—THE UNITED STATES OF AMERICA.

In the interval of eight years had the American people redeemed themselves? We leave the query open. This, however, is true: the period contains a record of splendid achievement in the protection of America's industrial laborers. The history of that progress runs in part as follows:

In 1906, the same year in which the nations signed the Bern Conventions, the International Association for Labor Legislation dropped a child on American soil. In some respects at least, the Association's feelings must have been akin to those of the un-resigned Spartan mother who saw her ill-judged baby exposed to the wild beasts of the forest. This infant had twenty-one members, and, unlike a sister in the American State of Argentina, did not die, but in the course of a dozen years added unto itself over three thousand other members and performed the tasks of a giant, well beyond what would have been deemed possible either in 1906 or 1910.

It was as early as 1902 that the Bureau of the International Association exerted itself to bring about the formation of an American Section. In New York City, on the 15th day of February, 1906, its desire was realized.<sup>24</sup> The Section established its headquarters at Albany, N. Y., subsequently removed to Madison, Wisconsin, and later located at 131 E. 23rd St., New York City. From inception it has been officered by distinguished men. It has had as Presidents, Professor Richard T. Ely of the University of Wisconsin, Professor Henry W. Farnam of Yale University, Professor Henry R. Seager of Columbia University, Professor William F. Willoughby of Princeton University, Professor Irving Fisher, of Yale University, and Professor Samuel McCune Lindsay, of Columbia University; and as secretaries, Dr. Adna F. Weber, Professor John R. Commons, and Dr. John

<sup>24</sup> For Constitution, see App. II, Exh., 23.

B. Andrews, who has held the office since 1909 and upon whom more than upon any other single individual now rests the direction of the work. Its membership, now over 3000, represents nearly every state and territory in the Union, and also the Canal Zone, Cuba, Porto Rico, Hawaii, the Philippines, Canada, and several European countries. Illinois, Minnesota, New York, and Massachusetts have organized state sections under its direction, although that of New York has been transformed into the New York Legislative Committee. Support is derived from dues and gifts. An Executive Committee chosen from a large General Administrative Council is charged with the business management of the Association, which meets annually and generally holds one joint session with either the American Economic Association or with the American Political Science Association.

In 1908 real constructive work was undertaken and since that time the organization has placed to its credit a notable record in bringing about state and nation-wide compilations of invaluable statistics, the passage of labor law, the enforcement of the same, and increased conformity to uniform standards. This has necessitated tireless research and the publication of a vast amount of literature. Its official bulletin, published since 1911, is, *The American Labor Legislation Review*.

It has formed standing Committees and Subcommittees upon Industrial Hygiene (1908); Brass Poisoning; Nomenclature of Occupations; Workmen's Compensation (1909); Woman's Work (1909); Standard Schedules and Tabulations (1911); Enforcement of Labor Law (1911); One Day of Rest in Seven (1911); and Social Insurance (1913), with which the Committee on Workmen's Compensation was merged. Under its auspices a special Committee was organized in 1911 to constitute the American Section of the International Association on Unemployment. It has caused the convocation of National Conferences on Industrial Diseases (1910 and 1912); Preventing and reporting of Industrial Injuries (1911); Social Insurance (1913); Unemployment (1914 and 1915). Also, representatives have been regularly sent abroad to various International Congresses on Occupational Diseases, Unemployment, Social Insurance, etc.

Efficiency and uniformity in labor legislation have been pro-

moted through the scientific drafting of standard labor laws, which the Association has presented to state legislatures for approval and adoption. The Legislative Drafting Research Fund of Columbia University endowed by Mr. J. P. Chamberlain and now under the direction of Prof. T. I. Parkinson, has co-operated with the Association in this work. In 1914 New Jersey enacted into law such a bill protecting tunnel and caisson workers.<sup>25</sup> Another standard bill for the protection of industrial workers from regular seven-day employment was adopted by New York State and Massachusetts in 1913;<sup>26</sup> and the tentative draft of a compulsory health insurance act is now before the public for criticism and discussion. Although this is daily becoming a more important phase of its work, nevertheless it is not in this respect that the greatest progress has thus far been made.

In 1910 a memorial was presented to the President of the United States urging the necessity of a national investigation of the subject of occupational diseases.<sup>27</sup> The Federal Bureau of Labor extended its operations in the field of industrial hygiene and commenced continuous research with respect to occupational poisons. Propaganda to bring about in the states the compulsory reporting of occupational diseases was undertaken by the Association with the result that within five years fifteen states introduced the innovation, nine of them adopting the standard reporting blank recommended by the Association.<sup>28</sup> Within three years a standard form for the reporting of accidents was so widely adopted as to apply to one-half of the factory employees of the United States. Nevertheless, these statements should not obscure, but rather make more prominent, the fact that in spite of the progress evidenced there still prevails a wretched state of affairs and regrettable lack of uniformity throughout wide portions of the country. A campaign against lead poisoning has been prosecuted with substantial results among several law-making bodies. While the estimated ratio between victims of saturnism and workers in lead in Europe is 1:89; in America it is 1:10.<sup>29</sup>

<sup>25</sup> *Am. Lab. Leg. Rev.*, IV, (4) p. 528.

<sup>26</sup> *Ibid.*, IV, (4) p. 614.

<sup>27</sup> *Ibid.*, I, (1), pp. 125-143.

<sup>28</sup> *Ibid.*, IV, (4), p. 525.

<sup>29</sup> *Ibid.*, IV, (4) p. 539.



Whereas only three states and the Federal Government had any workmen's compensation laws in 1910, such law had been passed by thirty-three legislatures before the close of 1915,<sup>30</sup> aside from various other social insurance measures such as the pensioning of mothers enacted into law in fifteen states in 1913,<sup>31</sup> the inauguration of state life insurance in Wisconsin in 1911 and adopted since by other states,<sup>32</sup> and the introduction of old-age pensions in Alaska and Utah in 1915.<sup>33</sup> The movement for social insurance was making progress up to the time of America's entrance into the war and measures for compulsory health insurance were earnestly advocated. This kind of insurance, however, has not as yet received the favorable attention of state legislatures due in part possibly to the reaction against labor legislation.

Through the efforts of Prof. John R. Commons, the Association has had a direct part in the establishment of the commission idea for enforcing general labor statutes and detailed committee orders including the centralized administration of accident prevention and compensation laws, a plan which has been steadily increasing in favor since its adoption by Wisconsin in 1911.<sup>34</sup>

To counteract the social malady of unemployment, the Association reported the establishment of public labor exchanges by twenty-three states and over twenty American cities.<sup>35</sup> In fact, all important phases of the protective movement, including child labor, woman's work, minimum wage, *etc.*, had been attacked in some degree at least, and appreciably advanced in the eight years since 1910. A complete study of the accomplishments of this character, however, must include not only the work of the American Association for Labor Legislation and of allied social-welfare societies, but also that of labor organizations, among the foremost of which is the American Federation of Labor. Under the leadership of its President, Samuel Gompers, the American Federation of Labor has become one of the powerful institutions in American public life of the present day. Had it not been

<sup>30</sup> *Ibid.*, V, (4) p. 637.

<sup>31</sup> *Ibid.*, III, (2) p. 149.

<sup>32</sup> *Ibid.*, III, (2) p. 149.

<sup>33</sup> *Ibid.*, V, (4) p. 637.

<sup>34</sup> *Ibid.*, I, (4) pp. 61-69; III, (1) pp. 9-14, 39; III, (4) pp. 473-478.

<sup>35</sup> *Ibid.*, V, (3) Map opposite p. 481.



for the potent influence of this organization compelling nationwide attention to the rights and needs of American labor, the American Association for Labor Legislation would have found its task a far more difficult and less successful one than the present chapter describes. Although we do not attempt here to present the record of the American Federation of Labor, or of other labor organizations, it is not our wish to deny to them one iota of credit due them for their great work of safeguarding the interests of the working people.<sup>36</sup> We have outlined sufficient, however, to direct attention distinctly to one fact, which is that an extralegal institution like the American Association for Labor Legislation or the American Federation of Labor can never develop that uniformity of national labor law or supply the necessary sanction for its enforcement, to justify or make legal the national engagement of an international protective labor treaty such as that prohibiting night-work for women.

We have reserved for discussion in this connection that which constitutes the greatest achievement of the American Association from the standpoint of uniform national labor law. The passage of the Esch-Hughes Bill in Congress, April 9, 1912, levying a prohibitive tax on matches containing white phosphorus and prohibiting the exportation or importation of the same, was the culmination of a campaign waged by the Association for several years. It availed to eradicate the evil. It is well to note that the states had not taken steps to impede their employers in their competition with the industry of other states by the interdiction of the use of this poison in match manufactories, or to drive a manufacturer to move his concern from one state into another. Just as nations hesitate to place themselves through protective law at a disadvantage with competing industrial nations, so have states similarly hesitated because of the competition of other states. This was illustrated by the New York State compensation law of 1910, which was limited to industries not affected by interstate competition.<sup>37</sup>

But when through the exercise of the taxing power the Federal

<sup>36</sup> For a study of industrial conditions in their relation to city life and organized labor see Lowe, *Representative Industry and Trade Unionism of an American City*, W. D. Gray, 106 Seventh Ave., New York City, N. Y.

<sup>37</sup> *Amer. Lab. Leg. Rev.*, I, (1) p. 60.

Government found a way of working the uniform abolition of the use of white phosphorus, objection became inconsequential. How far would the reform have progressed by this time if it had been left to the individual action of each state? We know this: had there been attained in this particular that which has not been accomplished in respect of any single state labor law; *viz.*, uniformity through the passage of the same law by all the states, the ever possible revocation of the law by one or more legislatures would render the uniformity attained forty-eight times more uncertain than it is at the present time under federal enactment. This holds true of all law whose passage and enforcement depends upon the action of state governments instead of the Federal Government.

Thus while the national Government did not become party to the Bern Convention prohibiting the use of white phosphorus, the federal taxing power was used, for the first time,<sup>38</sup> to secure a social reform, which, as far as the nation was concerned, proved practically equivalent to that which the Bern Convention might have introduced. This raises the question as to whether a satisfactory method has been found by which to obtain the benefits of international labor agreements. Can the good effects of the Bern Convention prohibiting the night-work of women be similarly introduced by the federal taxation of all articles produced wholly or in part by this undesirable form of labor and entering into interstate commerce? The same question applies to the contemplated international conventions prohibiting night-work for young persons and limiting the day-work of such persons and women.

A cursory consideration of the problem must make evident that, by the very nature of the case, the device which happened to be effective for the national prohibition of the use of white phosphorus and may prove equally so with reference to other industrial poisons, is perhaps less suited to the solution of the other questions cited. The presence of poisonous material in a product may be determined readily and leaves the enforcement of the law a comparatively simple matter. But the other cases present an entirely different situation. To detect articles made wholly

<sup>38</sup> *Ibid.*, IV, (4) p. 523.

or in part by the night-work of women or the day-work of young people seems to demand as diligent inspection of intra-state industry as would be required by the enforcement of a federal law directly prohibiting the labor in question. Nevertheless, the United States prohibited child labor through this application of its taxing power.

\* \* \*

Do we then seem to be assuming the desirability of American adhesion to labor treaties? We do assume it, because of the arguments already presented in favor of such agreements; because of America's need of nation-wide reform in the protection of labor; and because by non-adhesion America remains a stumbling block to an international movement that holds at stake much of the welfare of a large proportion of the human race. America needs the movement; the movement needs America. The co-operative adoption of a labor reform by a dozen leading nations and colonies has been found to be a safe criterion as to the kind of reform that ought to be uniformly realized among the states of the American Union. When, furthermore, it has become the consensus of opinion of different peoples under widely varying conditions that industrial work by the female sex ought to be prohibited during certain periods of the twenty-four hour day, if for no other reasons than those of morality and physical health, and twelve countries and numerous colonies have entered into a compact to realize that end, and the United States is urged to adhere as an industrial power whose co-operation is sorely needed, what ought to be our answer? Does our constitutional system preordain a negative reply?

Traditional methods of interpreting the Constitution have placed serious obstacles in the path of the labor movement in America; but some of those difficulties already have been surmounted. The judge-made rules for which liability laws became a necessary antidote, have been mentioned and serve to illustrate how the effects of the American judicial system seemed to favor



the rights of property as opposed to the rights of workmen.

Liability laws were succeeded by compensation laws, which had not merely judge-made doctrines but judge-made interpretations of the Constitution to overcome. A compensation law obligates the employer to pay a definite sum to indemnify an employee injured in the course of his employment. The obligation to indemnify may lie even though the accident be traceable to a risk inherent in the business and not to any carelessness on the part of the employer. According to Article I, Section 10 "no state shall pass any law impairing the obligation of contracts" (Constitution of the United States). A compensation law could be construed as an unjustifiable infringement of the "freedom of contract" between an employer and employee. And were this difficulty surmounted, such a law could still be held to be a violation of the Fourteenth Amendment: "nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction equal protection of the laws." A law requiring an employer to indemnify an employee injured, not because of any fault of the employer but simply as a result of the risk inherent in the business, could be construed to be an unjust deprivation of property in favor of an employee. If the compensation law covered employees in certain trades only, it might be attacked as class legislation denying "equal protection of the laws." If the law endeavored to eliminate, as is its purpose, the expensive litigation incident to damage suits, it was exposed to the charge of attempting to deny the constitutional right of citizens to trial by jury. Specific provisions of state constitutions presented in some cases greater obstacles than the United States Constitution. There is little doubt that two decades ago a compulsory workmen's compensation law would have been held unconstitutional by a vast majority of courts in the land.

And yet compensation laws have steadily made their way over and above and through these constitutional difficulties, and are now on the statute books of over forty states of the Union; for, it was found that when the safety and welfare of a community demanded compensation laws, it could be made a valid exercise of the state's police power and a constitutional right to



provide that security; and it was further discovered that in protective labor law as in other law, the final test of a constitutional interpretation, as the final test of the constitutionality of law, is its reasonableness.

For the Federal Government to extend the domain of its law-making and law-enforcing power to intra-state industry so as to prohibit the night-work of women might now be interpreted as the exercise of an undelegated power and an unjustifiable and revolutionary interference with "state's rights;" but if the public interest and safety were one day to demand such regulation, it is conceivable that means may be found by which to make possible such an extension of federal authority.\*

If all other means fail, recourse may be had to a Constitutional Amendment giving the Federal Government indisputable authority to regulate conditions of labor within the states, or to subject American industry to the operation of international protective labor conventions. By virtue of the place that the United States now is assuming in the family of nations, we may be sure that it will be found increasingly necessary to regulate American labor conditions according to international standards. The world rightfully may demand this. Means for compliance must be forthcoming.

\*The difficulty can be obviated if the Supreme Court upholds labor treaties as "the supreme law of the land," in preference to "state's rights." According to Article vi, clause 2, of the Constitution of the United States, "all treaties made . . . under the authority of the United States shall be the supreme law of the land."

## CHAPTER VI.

### THE MOVEMENT IN PERSPECTIVE

Three steps essential to bring international labor law into successful operation are:

- (1) Collection and tabulation of statistics and information prerequisite to the drafting of scientific labor law;
- (2) Comparative study of the theory and practise of national law in order to derive therefrom suitable international laws;
- (3) An effective sanction, or method of guaranteeing the international enforcement of the law.

The work of the International Association on points (1) and (2) has been presented; but it is not our intention thereby to minimize the importance of the work done by other organizations and by governments in this field before and after the appearance of the International Association for Labor Legislation.

In 1869 Massachusetts organized the first governmental Labor Bureau in the world for the systematic study of labor conditions and the compilation of statistics for presentation to a legislative body. A few years later the inspection and enforcement of labor law were included among the functions of similar state bureaus that in the meantime had been created. At present, such bureaus are common to almost every state in the United States. Not infrequently these bureaus, legislative committees for drafting labor law, together with other interested organizations, often in conjunction with or under the auspices of the American Association for Labor Legislation, have held interstate conferences for the co-ordination and mutual advancement of their work. These conferences have been a potent factor making for uniformity of labor law in America.

In 1884 (law of June 27, 1884), the United States Bureau of Labor<sup>1</sup> was established under the United States Department of Commerce. This was the first permanent Bureau of Statistics of

<sup>1</sup> *First Annual Report of the Secretary of Labor*, 1913, Washington, pp. 8-9.

Labor created by a national Government<sup>2</sup>. Later (1888) an independent department known as the Department of Labor was instituted with a Commissioner as chief and therefore not of a rank that would entitle him to a place in the Cabinet. In 1903 the Department of Labor was transformed into the Bureau of Labor under the newly created Department of Commerce and Labor. For ten years the interests of the working class were represented by an executive Department to which was also entrusted the care of employers' interests, until by Act of Congress Nov. 4, 1913, a separate Department of Labor was created with representation in the President's Cabinet. Various bureaus and governmental commissions such as the Interstate Commerce Commission and the Industrial Relations Commission, some permanent, others temporary, have been created from time to time to study or regulate various phases of national industry and labor, and to extend the scope of statistical data on American conditions. These federal as well as state institutions, beside many voluntary organizations which the scope of this work precludes from specific mention, are all of prime importance in handling the protective movement in the United States.

An English office for labor statistics was created in 1886; but the official British Bureau of Labor was not organized until 1893. Its official bulletin is *The Labor Gazette*.

In 1896 Belgium established a Labor Bureau as an outgrowth of an office originally under the Department of Agriculture and Industry, but afterward identified with a separate Department of Labor.

A governmental Commission for labor statistics was established in Germany in 1892. The Imperial Office of Statistics added a Division of Labor Statistics in 1902, which took over the functions of the Commission and became the first official Bureau of Labor.

Austria has had a Bureau of Labor Statistics since 1908; Italy, since 1902; Sweden, since 1902; Norway, since 1903. In Spain, the Department of the Interior included a Labor Bureau (1894). In 1903 the Institute of Social Reform created (1) a Section of Statistics (2) a Section of Publications, (3) a Section of Inspection.

<sup>2</sup> *Bulletin of the Bureau of Labor*. No. 54, Sept. 1904, Washington, pp. 1023-1086.

The French Superior Council of Commerce and Industry was formed in 1881, having consultative power, and after 1894, it collaborated with a permanent Consultative Commission; but the French Labor Office was not established until 1891. It had two separate departments, the one for service in the field, the other for making written inquiries and tabulating the results of both sections of the service. In 1900 this was transformed into the Department of Labor with three Bureaus; *viz.*, (1) Bureau of Labor and General Statistics, (2) Inspection of Labor, (3) Trades Organizations and Councils of *Prudhommes*.

Denmark formed a general statistical bureau in 1895, and Holland, in 1899. Other bureaus partaking of the nature of Labor Bureaus were organized in New South Wales (1892), New Zealand (1891), Canada (1900), and Ontario (1900).

Thus we see that in the establishment of governmental labor offices for the systematic acquisition of information, an American state led the world, but in the formation of adequate protective law and in the efficient administration of such law, other countries have outstripped us. Of late years we have been rapidly making up for lost ground, and by taking proper steps we can bring ourselves fully abreast of the best protective labor law in the world, and it may be our privilege and duty again to assume a position of leadership in these respects.

Collaborating and co-operating with the International Association for Labor Legislation were other Associations, principally, the International Association on Social Insurance and the International Association on Unemployment, each attempting to do for its particular phase of the protective movement what the International Association for Labor Legislation undertakes for the movement in general.

The Association on Unemployment, which is the more recent of the organizations, had official headquarters at Ghent and published a Bulletin (Paris) during 1911-1914, until the war interfered. Between 1910 and 1914 it underwent an interesting growth.<sup>3</sup> Organized<sup>4</sup> originally in France (Sept. 21, 1910), it established sections in seventeen countries. The American sec-

<sup>3</sup> *Bulletin trimestriel de l'association internationale pour la lutte contre le chômage. Avril-Juin, 1914. (Quatrième Année, No. 2, p. 319-348).*

<sup>4</sup> App. II, Exh. 22.



tion has already been referred to;<sup>5</sup> sections in Holland, Germany, Austria, Hungary, France, and Belgium published national bulletins, aside from the official international Bulletin of the Association. The purposes of the Organization included the establishment of an international office to serve as a clearing house for all valuable statistics or information relating to the national and international problems of unemployment, and to superintend the summoning of conferences, the stimulation of investigation locally as a preliminary to national and international measures, the education of the public, and the promotion of treaties whenever they might be found to constitute a desirable means of combatting the evil.

This movement to protect the unemployed made great strides in a few years.<sup>6</sup> In 1912 England put into operation the first national system of compulsory insurance against unemployment. For a number of years previous to this, Norway and Denmark had national laws regulating voluntary insurance of this type, while voluntary unemployment insurance by workmen's societies with public subsidy but without legal regulation existed by 1914 in Luxemburg, France, Holland, Belgium, Switzerland and Italy. Switzerland had public voluntary unemployment funds. In Germany there were systems of communal unemployment insurance with subsidies for industrial societies and social organizations. The relative merits of compulsory and voluntary unemployment insurance are seriously disputed; the voluntary method was represented by the system in vogue in Ghent and commonly known as the "Ghent system," which operates upon the principle of the subsidization by public bodies of the unemployment insurance funds of industrial unions. From the above facts it is evident that this system had been adopted more generally than any other. Aside from insurance, another one of the goals aimed at by supporters of the cause is an international organization of city, national, and international labor exchanges so co-ordinated as to regulate the migrations of unemployed labor in every part of the world to the mutual advantage of States, workmen, and employers.

<sup>5</sup> See p. 88.

<sup>6</sup> *Am. Leg. Rev.*, IV, (2) pp. 375-387.

After Germany's introduction of compulsory social insurance in the 80's, the question of state insurance became one of general interest to European nations, and in order to render possible an exchange of views and experimental knowledge on the subject, the First International Congress on Accidents to Labor and Workmen's Insurance was convened at Paris in 1889 at the time of the universal Paris Exposition. A series of biennial congresses have followed from this beginning under the auspices of a permanent committee created at that time and which has since developed into the International Association on Social Insurance having its principal offices at Paris. (Permanent Committee on Social Insurance)<sup>7</sup> Its quarterly Bulletins and reports of its proceedings have covered the field of social reform in a most thorough manner.

In concluding our survey of the various aspects of the international movement for the legal protection of labor, it remains to note what the immediate tasks for the future seem to be and what the lessons taught by the past. In the first important stage of the movement between 1880 and 1890, greatest unanimity of opinion obtained in support of five propositions constantly repeated in the various resolutions of the period. Those propositions stood for the establishment by international agreement of:

- (1) Fourteen years as the minimum age for the admission of children into industry;
- (2) A maximum workday, (with opinion about equally divided as to whether it should be an eight-hour or a ten-hour day);
- (3) Weekly rest;
- (4) Prohibition of the night-work of women;
- (5) Protection of the laborer against the dangers of his occupation.

Number 4 (prohibition of night-work for women) has been realized by international agreement. Through workmen's insurance and protection against poisonous phosphorus, No. 5 (protection against dangers of occupation) has been partially fulfilled. No. 1 (making fourteen the minimum age limit for child labor) was proposed for application to children's night-work by the outlines drawn up at the last conference at Bern (Sept. 15, 1913).

<sup>7</sup> *Am. Leg. Rev.*, IV, (1) pp. 161-173.

The prohibition of the industrial employment of children under fourteen years of age was incorporated in one of the draft conventions approved by the International Labor Conference of the League of Nations at Washington, D. C., in 1919. No. 2 (the maximum workday) was the subject of a draft convention of this Conference limiting the hours of work to eight in the day and forty-eight in the week. No. 3 (the question of weekly rest) constituted a problem the solution of which the Washington Conference did not undertake.

In the period extending from 1890 to 1920, ten other principles became prominent topics for consideration by the advocates of international labor legislation:

- (1) International exchange of facts relating to labor legislation and the administration of labor laws;
- (2) Protection against industrial poisons, particularly white lead and white phosphorus;
- (3) Establishment of the principle of the equal treatment of foreigners and citizens before the social insurance (particularly accident insurance) laws of each country.
- (4) Systematic inspection and regulation of home work;
- (5) Prohibition of the night-work of young persons;
- (6) Limitation of day-work of women and young persons;
- (7) Problem of unemployment;
- (8) Employment of women before and after childbirth;
- (9) Protection for seamen;
- (10) Problem of a sanction.

Of these propositions, No. 1 (exchange of labor data) has been realized in part by international agreement and in part by practise. Article 396 of the Peace Treaty provides that the functions of the International Labor Office of the League of Nations "shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor...." No. 2 (protection against industrial poisons) has been partially realized by an international agreement concerning the prohibition of the use of white phosphorus in the manufacture of matches. Recommendations concerning the prevention of anthrax and the protection

of women and children against lead poisoning were adopted by the Conference at Washington. This Conference also approved a recommendation concerning the establishment of government health services. No. 3 (equality of treatment of aliens and citizens with respect to insurance laws) has been extensively realized by bipartite treaties between different countries. The Washington Conference adopted a recommendation favoring reciprocity in admitting alien workers to the benefit of protective laws. No. 4 (home work) remained a subject for further investigation. No. 5 (prohibition of the night-work of young persons under eighteen years of age) was the subject of a draft convention approved at Washington. No. 6 (limitation of the day work of women and young persons) was dealt with by the draft convention of Bern in 1913, which provided for a maximum ten-hour workday for women and young persons under sixteen years of age. The war prevented its adoption as an international convention. A draft convention drawn up at Washington provided for a maximum eight-hour workday for persons employed in public or private industrial undertakings, and so rendered the revival of the older convention unnecessary. No. 7 (problem of unemployment), and No. 8 (employment of women and children before and after childbirth) also formed the subjects of draft conventions approved at Washington.\* No. 9 (protection for seamen) was covered by the second International Labor Conference of the League of Nations, held at Genoa,\* June 15th to July 10th, 1920. This Conference adopted three draft conventions for the protection of seamen to be ratified by the members of the League, and also four recommendations to be submitted to these countries with a view to effect being given them by national legislation.

Number 10 is the question of a sanction, or that which is to secure the international enforcement of labor laws which have been adopted by the common consent of nations. International law has been popularly conceived as possessing but an inchoate sanction at best. The solution of this problem, which has been

\*For a discussion of the subsequent proceedings of the International Labor Organization, see the Introduction, pp. xxxvii-xliii.



deemed a principal difficulty in most international movements, has constituted one of the most interesting and hopeful features of the international labor movement. The social reformers and public-spirited men who were leaders in this movement recognized two principles:

(1) Public opinion is the fundamental sanction of international agreements;

(2) That sanction can be made effective only by an efficient organization through which the public will can express itself.

Although the meetings of socialists and of international trade unions frequently declared themselves in favor of international labor legislation, they did not furnish the efficient organization through which the public actually secured the adoption of such legislation. The agitation of socialists for international action to achieve the political aims of socialism and the efforts of unionists to obtain legislation favorable to themselves among different nations furnished what may be termed the background of the movement to protect labor by international laws. A few governments, notably that of Switzerland, exerted a great influence in favor of such legislation; but the organization which proved the most effective channel for the expression of public opinion and the most efficient agent in obtaining the official adoption of international labor laws was the International Association for Labor Legislation. Before the war the sanction that had proved effective in securing the enforcement of international labor legislation embodied the interpretation and education of public opinion through the International Labor Office of this Association, functioning continuously in the endeavor to keep men of affairs and institutions in every part of the world in touch with important statutes, opinions and events, which had any direct bearing upon the aims of the international labor movement. Action with reference to these events and aims was secured through the national sections of the Association in various countries and through international congresses. The Association gained its ends largely by bringing pressure to bear upon public officials and governments. Although the national sections labored for improved conditions in the various countries, the Association

recognized that the protection of labor through international laws was the ultimate goal of its efforts.

The International Association for Labor Legislation, like all human institutions, had its defects, and critics did not fail to point them out. For example, Mr. L. S. Woolf in his work *International Government* published by the Fabian Society said:

. . . . . It would not be unfair to say that within the Association the impetus comes mainly from peoples who can be described as "social reformers" and secondly from Labour. The capitalist and employing interest is hardly represented at all. This can best be shown by a consideration of the membership of the British Section. It will be found that the individual members are almost all social reformers, while the affiliated societies consist of nearly thirty labour organizations, nearly ten societies of which the object is some kind of social reform, and only one association of employers. The result is that at a general meeting of the International Committee you do not find the great captains of industry present or the national federations of capitalists and employers represented, and the conferences are composed of the delegates of Governments, social reformers, representatives of organized labour, and a very few of the more enlightened employers.

We shall see that this criticism concerning the representation of employers does not apply to the new International Labor Organization created by the Peace Treaty, in which capital has equal representation with labor.

The war interrupted the activities of the International Association for Labor Legislation and caused the suspension of national and international labor laws, demonstrating that protective labor institutions cannot function properly except in times of peace. The movements for the maintenance of peace and for the international protection of labor are so interdependent that any league for the peaceful control of international activities would be foredoomed to failure if it alienated a large proportion of the working classes of the earth by omitting an adequate program for the international conservation of proper labor standards.

Therefore it is not strange that one of the principal subjects covered by the Peace Treaty of 1919 is the international regulation of industrial conditions and the international protection of labor for the avowed purpose of maintaining universal peace, because, as stated in the preamble to the labor section of the Treaty, "such a peace can be established only if it is based upon social justice." The Peace Treaty consists of fifteen parts. Part

It is the Covenant of the League of Nations. In Article 23 of this Covenant is a clause stating that the members of the League "will endeavor to secure and maintain fair and humane conditions of labor for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations." Part XIII\* of the Peace Treaty fulfills this pledge by creating a permanent official International Labor Organization to which all members of the League of Nations must belong. This Labor Organization consists of:

(1) A General Conference of Representatives of the Members of the League;

(2) An International Labor Office controlled by a Governing Body and located at Geneva, the seat of the League of Nations.

Thus the Treaty of Peace gives the League of Nations instruments similar to those which the International Association for Labor Legislation had proved to be most effective for international labor regulation. The International Association for Labor Legislation has not ceased to exist, but it has surrendered certain of its former activities to the larger organization. The private International Labor Office has given the right of way to the official International Labor Office, and the meetings called through the initiative of the Association have been superseded in their task of drawing up draft conventions by the official meetings of the General Conference of the Labor Organization of the League.

This General Conference is to meet at least once every year. Every member of the League appoints four delegates, two of whom represent the government, while the two others represent respectively the employers and employees of the nation. Thus capital and labor together have the same voting strength as the government, for each delegate votes individually. The representatives of employers and workers are to be chosen by the

\*For Part XIII of the Peace Treaty, see the Supplement, p. 401. The benefits of existing social insurance are guaranteed to workers in ceded German territories by Article 312 which is not in Part XIII of the Treaty.

government in agreement with the industrial organizations "which are most representative of employers or workpeoples" (Art. 389). Delegates may be accompanied by advisers who "shall not speak except on a request made by the delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote" (Art. 389). Advisers are allowed to speak and vote when they act as deputies of their delegates. Decisions in the General Conference are reached by majority vote of the delegates save for five special exceptions in which a two-thirds vote is required:

(1) "The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article." (Art. 389).

(2) "The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the delegates present." (Art. 391).

(3) If any government objects to any items on the proposed agenda of a coming conference, such items may not be considered unless "at the Conference a majority of two-thirds of the votes cast by the delegates present is in favor of considering them.

"If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting." (Art. 402).

(4) "When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals shall take the form: (a) of a recommendation to be submitted to the members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the members.

"In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the



adoption of the recommendation or draft convention, as the case may be, by the Conference." (Art. 405).

(5) "Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the members." (Art. 422).

The International Labor Office is controlled by a Governing Body consisting of twenty-four persons, eight of whom represent the governments of the nations of chief industrial importance. In case of any dispute as to which nations are of chief industrial importance, the Council of the League of Nations decides. The nations selected at the first meeting of the General Conference in Washington in 1919 as belonging to this class were: Belgium, France, Great Britain, Italy, Japan, Germany, Switzerland, and pending the appointment of a representative of the United States, Denmark. The failure of the United States to join the League of Nations precluded it from participation in the official activities of the Labor Organization of the League. Although Honorable William B. Wilson, Secretary of Labor of the United States, was the presiding officer of the Washington Conference, no official delegates of the United States were present. The members not included among the eight governments of the chief industrial importance are represented upon the Governing Body of the Labor Office by four delegates of countries selected by the delegates to the General Conference who do not represent the "Big Eight." The four representatives chosen in 1919 were delegates from Spain, Argentina, Canada, and Poland. Of the remaining twelve members of the Governing Body, six are chosen by the delegates to the General Conference who represent the employers, and six by the delegates who represent labor. The term of office of each member of the Governing Body is three years. The Governing Body chooses one of its own members to act as chairman, regulates its own procedure, and determines its own times of meeting. Special meetings are held upon the written request of at least ten of its members. The Governing Body

also appoints the Director of the International Labor Office. The Director chooses the staff which must include women appointees. He acts as secretary of the Conference. Besides the collection and distribution of information, the duties of the Labor Office include preparing the agenda for meetings of the general Conference (with a view to the conclusion of international conventions), editing and publishing in French and English a periodical paper, executing the measures prescribed for the settlement of international disputes, and such other tasks as the Conference may assign. Correspondence between the government of any member and the Director is carried on through the government representatives on the Governing Body, or through officials nominated by the government for this purpose. The Labor Office is "entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given." (Art. 398). The expenses incurred by the Labor Office are paid to the Director by the Secretary-General out of the general funds of the League. The Director is of course responsible to the Secretary-General for the proper expenditure of such money.

The Governing Body was organized November 25, 1919, at Washington with Arthur Fontaine (France) as permanent chairman. From January 26 to 28, 1920, it met in Paris, where it formally adopted the draft conventions and recommendations passed by the Washington Conference, and confirmed the appointment of Mr. Albert Thomas who had been provisionally selected as Director of the International Labor Office. Mr. Thomas describes\* the work of the Office as being carried on by a Diplomatic Section and a Scientific or Intelligence Section besides numerous Technical Sections consisting of specialized staffs. It is the duty of the Diplomatic Section to make all necessary preparations for the annual International Labor Conference, to submit agenda, to prepare reports, to draft conventions for consideration at the Conference, and to see that the international labor laws are properly enforced. The duties of the Scientific or Intelligence Section consist in collecting, publishing and distributing important information relating to the labor movement.

\*Solano, "Labor as an International Problem," pp. 249-270.

The General Conference may prepare draft conventions to be submitted for ratification to the members of the League of Nations, and it may draw up recommendations for consideration with a view to their adoption by the national legislatures of the members of the League. Each member of the League agrees, within one year if possible, and at least within eighteen months from the closing of the Conference, to submit the recommendations or draft conventions to the competent national authorities for legislative enactment or for other action. If after its best endeavors, a member of the League fails to obtain the legislative or administrative action necessary for its adoption of a recommendation or for its adherence to a proposed convention, its obligation ceases. Moreover, in the case of a federal state, the power of which to enter into an international labor agreement is limited because of its constitutional system, special exception is made by which the draft convention may be treated as a recommendation only.

If any organization of employers or workers files a complaint with the International Labor Office that any member of the League is failing in the proper enforcement of a convention which it has ratified, the Governing Body may request the accused government to state its view of the case. If no satisfactory statement or explanation is received within a reasonable time, the Governing Body may publish the charge and such statements or replies, if any, that were made with reference to it. If the complaint is made by a member of the League or if it originates with the Governing Body itself, the procedure just described may be followed, or the Governing Body may apply to the Secretary-General of the League for the appointment of a Commission of Enquiry. Each member of the League agrees to nominate "three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn." The Governing Body may reject any of the nominees by a two-thirds vote. "Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nomi-



nate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any member directly concerned in the complaint." (Art. 412).

It is the task of the Commission of Enquiry to investigate the question at issue between the parties, to prepare a report containing its findings and recommendations, and to indicate "the measures, if any, of an economic character against a defaulting government which it considers to be appropriate, and which it considers other governments would be justified in adopting." (Art. 414). In case the recommendations of the Commission of Enquiry are not acceptable to any of the governments concerned in the complaint, the matter may be referred to the Permanent Court of International Justice, the decision of which is final. Moreover if any member of the League fails to take proper action with reference to recommendations or draft conventions, any other member has the right to refer the matter to this Court.

"In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case." (Art. 419). Pending the creation of the Permanent Court, disputes are referred to a tribunal of three persons appointed by the Council of the League.

By these provisions of the Treaty of Peace international labor legislation was accorded an official sanction. The labor section of the Treaty has been popularly called the "Labor Charter" and the "Magna Charta of Labor." Under the official direction of the members of the League of Nations the movement to protect labor through international legislation entered upon a new epoch in its history.\*

\*For a discussion of the subsequent proceedings of the International Labor Organization, see the Introduction, pp. xxxvii-xliii.



## ILLUSTRATIONS

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### PLATE I

The Effects of Phosphorus Poisoning

### PLATE II

Health Insurance in Europe Previous to 1918

### PLATE III

Legal Limitation of Daily Working Hours for Women  
in the United States in 1918

### PLATE IV

Workmen's Compensation Laws in the United States in 1918



# THIS OCCUPATIONAL DISEASE HAS BEEN ABOLISHED

THROUGH THE EFFORTS OF THE ASSOCIATION FOR  
LABOR LEGISLATION



ROSE C.

This young mother, to support her children after their father's death, went to work in a match factory. After four years' work she had to have her upper jaw cut out. At the age of 36 she was forced to look for work suited to the strength of a woman who must subsist the remainder of her life on liquid food.



JOHN W.

After working one year and four months in an Ohio match factory he contracted "phossy jaw," and underwent an operation. He sued the corporation but received not one penny.

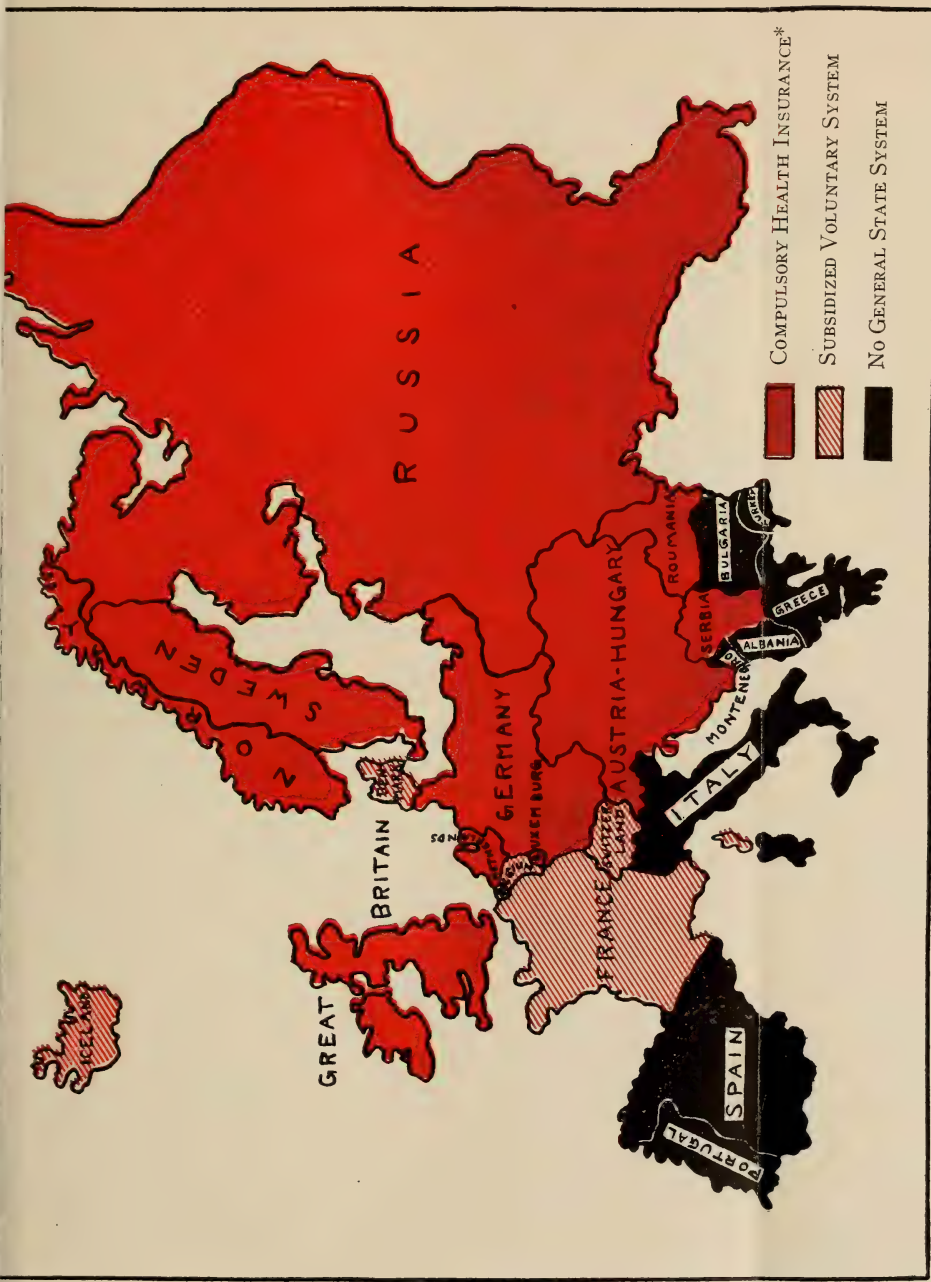
## "PHOSSY JAW"

THE DISEASE WHICH FORMERLY MENACED WORKERS IN  
MATCH FACTORIES WHERE POISONOUS PHOSPHORUS WAS USED

*(Courtesy American Association for Labor Legislation.)*





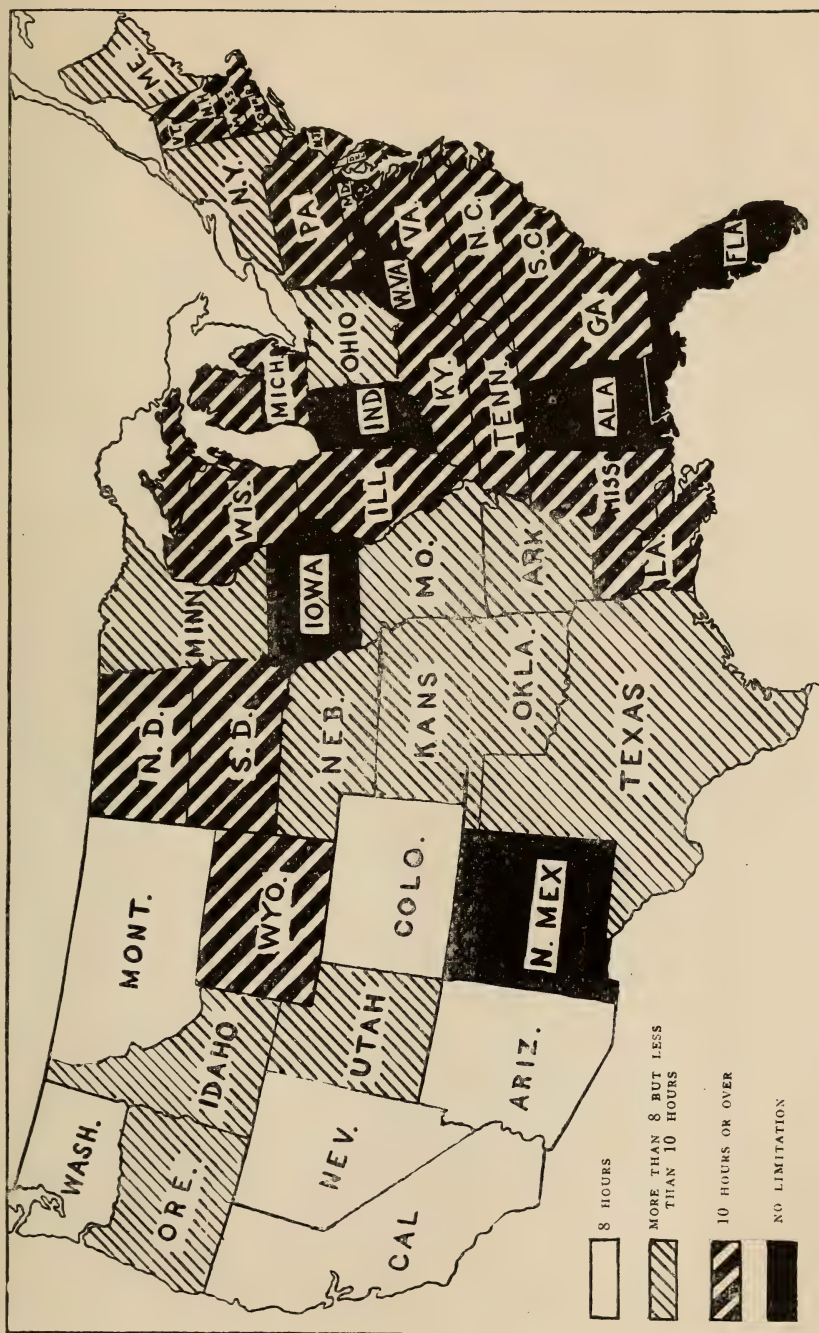


### HEALTH INSURANCE IN EUROPE

\*NOTE.—COMPULSORY HEALTH INSURANCE ALSO EXISTS IN ITALY FOR MATERNITY CASES AND FOR RAILROAD EMPLOYEES, IN FRANCE FOR MINERS AND SEAMEN, AND IN SWITZERLAND IN SEVERAL CANTONS.

(Courtesy American Association for Labor Legislation.)





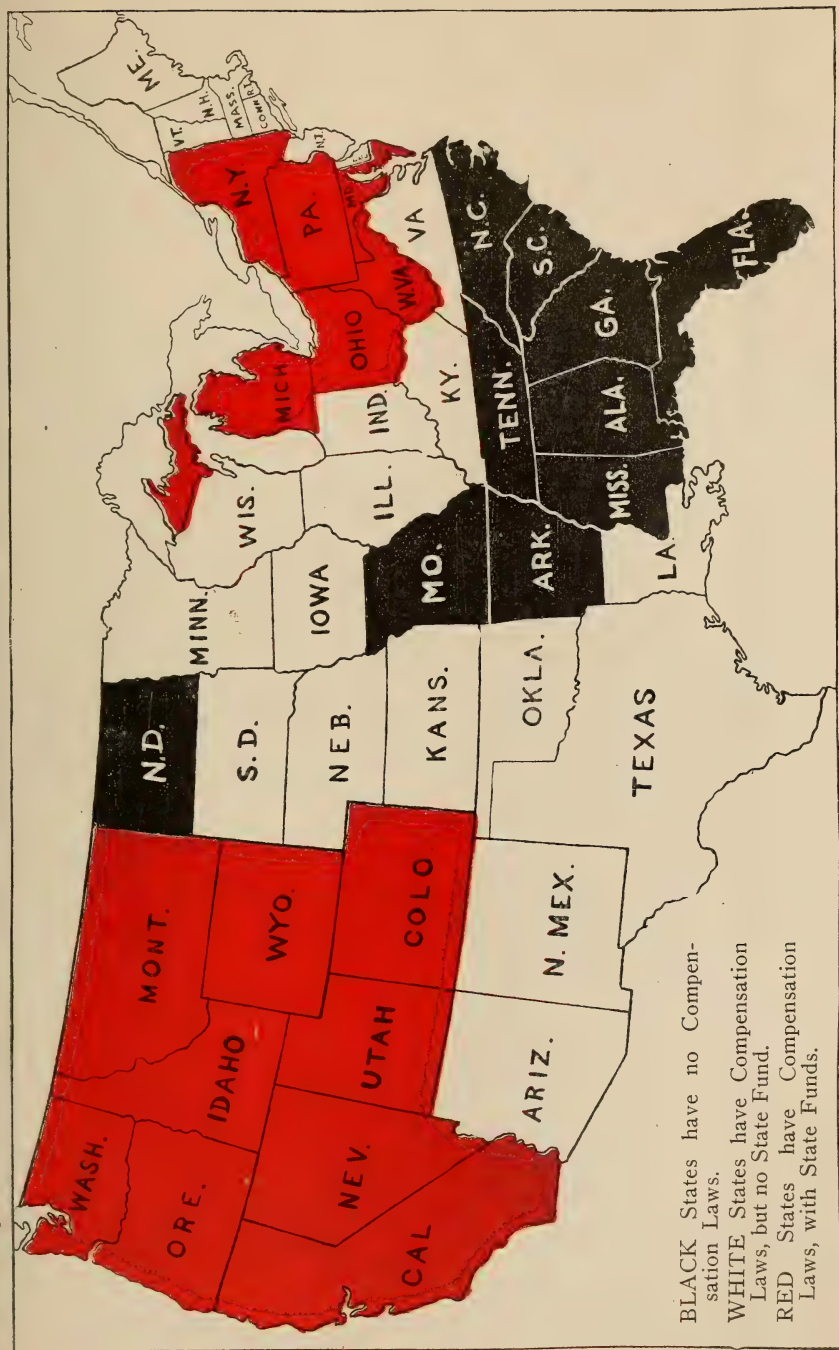
## LEGAL LIMITATION OF DAILY WORKING HOURS FOR WOMEN IN THE UNITED STATES

THE HOUR LIMITS INDICATED DO NOT APPLY TO ALL OCCUPATIONS IN WHICH WOMEN ARE EMPLOYED, BUT ARE THOSE WHICH AFFECT A LARGE PROPORTION OF FEMALE INDUSTRIAL WORKERS.

(Courtesy American Association for Labor Legislation.)







BLACK States have no Compensation Laws.  
 WHITE States have Compensation Laws, but no State Fund.  
 RED States have Compensation Laws, with State Funds.

## WORKMEN'S COMPENSATION LAWS IN THE UNITED STATES

FOUR-FIFTHS OF THE MAP IS NOW COVERED. WITHIN THE PAST EIGHT YEARS 38 OF THE 48 STATES, IN ADDITION TO PORTO RICO AND THE TWO TERRITORIES OF ALASKA AND HAWAII, HAVE ADOPTED COMPENSATION LAWS.

(Courtesy American Association for Labor Legislation.)



## PART II

### INTERNATIONAL LABOR LEGISLATION

## CHAPTER I

### CONVENTIONS SIGNED AT BERN\*

#### *Conference of Bern. May 8-17, 1905.*

IN the spring of 1905, fifteen European States assembled their representatives behind closed doors at the Conference of Bern with the object of outlining international conventions to prohibit the use of white phosphorus in the manufacture of matches and also to interdict the night-work of women. The sessions were secret, in deference to the earnest solicitation of British delegates, and not because of any fear in this instance lest the diplomats might have in mind the perpetration of acts of which to be ashamed. It was optional with the conferees to conclude conventions on the spot, reserving of course the exchange of ratifications to their governments; or to draft, under the scrutiny and approval of technical experts, tentative agreements, leaving it to the governments to transform the same into conventions by direct negotiations; or merely to draw up non-obligatory resolutions.<sup>1</sup> The second of these three courses of possible action was that unanimously adopted. It is interesting to note that even Belgium, whose representative at the Conference of Berlin (1890) had protested against the aim of giving practical effect to the resolutions there formulated, emphatically acceded to the action now proposed. Although the outlines of the agreements in view were prepared with the prospect of their probable revision, it was nevertheless understood that by their signatures the delegates pledged their governments to a decision on the matter of adhesion or non-adhesion, with the presumption in favor of their adhesion to, and international execution of, the principles sub-

\* For copies of the Conventions, see Appendices.

<sup>1</sup> G. B. Bd. IV, (1905) S. I.



scribed. This presumption gained additional force from the fact that many governments had deputed to the Conference officials or parliamentarians of high rank and recognized predilection for the project of regulating labor by means of treaties. Therefore in the deliberations of this body there was something more at stake than the mere discussion of the "whys and wherefores" of the international regulation of labor, or the passage of a laudable *voeu* as a grand finale of the session; it was to make the original drafts<sup>2</sup> of labor conventions destined not only to become law in a majority of the nations of Europe as well as in many of their colonial possessions, but also the first international conventions ever executed<sup>3</sup> by a number of parties, for the avowed and sole purpose of internationally protecting labor.

The Conference divided into two committees for the tasks in hand. Considerable difficulty arose with regard to the abolition of white (yellow) phosphorus from industry, due to the competing interests of the different States. Neither of the two late belligerents in the Far East, Japan and Russia, being present, the participation of either of them in the proposed measures was entirely problematical, while at the same time it was recognized that any restriction of the employment of white phosphorus, exclusive of Japan, would cause serious prejudice to the trade of England, Hungary, and Norway. An agreement, however, was finally reached, by the articles of which it would become unlawful, after Dec. 31, 1910, to import (*introduire*), manufacture, or offer for sale matches containing white or, as the Germans termed it, yellow phosphorus; provided all the countries represented at the meeting, and also Japan, should adhere and deposit their record of ratification by Dec. 31, 1907, thereby agreeing to put the Convention into actual operation three years after that date, *viz.*, on Jan. 1, 1911. But in this connection the spokesman of the committee took pains to intimate that failure in the immediate fulfillment of certain of these conditions would not necessarily preclude the Convention's ultimate realization.

The States which refused to sign the phosphorus pact were

<sup>2</sup> G. B. Bd. IV, pp. 1-2.

<sup>3</sup> In this volume the terms "execute" and "execution" in reference to treaties are not used to connote the act of "signing," but rather of "bringing into force."

Denmark, which observed the failure of such an attempt in certain of its possessions, and Norway, Sweden, and Great Britain. The States adhering were: Germany, Austria, Hungary, France, Spain, Belgium, Holland, Luxemburg, Italy, Portugal, and Switzerland.<sup>4</sup>

The agreement relative to the night-work of women did not yield to as concise and brief a statement as its contemporary. The first Article placed a sweeping interdiction upon industrial night-work for all women, debarring exceptions subjoined. The adoption of this measure presaged the advent of radical reform in legislation among many of the countries. Spain prohibited the night-work of females under the age of fourteen only; Luxemburg and Hungary, under sixteen; Denmark, Norway and Sweden under eighteen; Portugal and Belgium under twenty-one. Article I further designated as subject to this prohibition all industrial enterprises employing more than ten laborers, excluding such as engaged only members of the occupier's own immediate family. The quest for a satisfactory basis by which to delimit the application of the law was fraught with no little difficulty since great dissimilarity prevailed among the standards employed by different countries in reference to the work of women. Great Britain, France, and Holland prohibited the night-work of the sex in large and small industries; in Belgium, generally speaking, the statutes forbade it to the young, which was likewise the basis of prohibition in Spain and Luxemburg; in Denmark, Italy, and Portugal, prohibitory law confined itself to establishments employing over five workers or using power-driven machinery; in Switzerland it applied to manufactories having more than five workers with power-driven machinery or with employees under eighteen years of age, or having more than ten workers without power-driven machinery; in Austria and Hungary, it involved establishments with more than twenty laborers, power-driven machinery, or with labor shifts, *etc.*; while in Germany, Norway, and Sweden, still other regulations obtained less definite but pertaining to enterprises possessed of the char-

<sup>4</sup> The following States had previously passed laws prohibiting or restricting the use of white phosphorus in the match industry: Germany (1903, but to take effect in 1907), France (1898), Holland (1901), Switzerland (1898), Denmark (1874).

acteristics of large-scale industry. The committee, after reviewing this diversity in legislation, excluded from the scope of the agreement industries employing not more than ten laborers, on the grounds that such supplied the local market only, were not of international concern, and employed but a minor percentage of the feminine working population anyway. The use of power-driven machinery was found to offer no satisfactory basis of demarcation since the use of small motors and electrical devices had become so universal that the smallest industries and home shops would thereby become included in international regulation, while the number of female employees thereby protected would be negligible. Regulation of such small concerns was held to belong to the domain of the individual states. Having thus determined the size of the industrial enterprises comprehended, Article I next indicated the general categories of business contemplated by the term, "industrial enterprise," specifying as included therein, mines, quarries, and manufacturing establishments, to the exclusion of purely agricultural or commercial undertakings. The spokesman of the committee explained that the manufacture of raw sugar from beets would be classified as an industrial enterprise, while the hotel business on the other hand would be without the meaning of the regulation. The precise delimitation, however, of these categories is left to the legislation of each State.

Article II stipulated that the legal international night of rest for women was to be of eleven hours' duration, including in all cases the hours between 10 p.m. and 5 a.m. Switzerland had proposed an invariable period of rest extending from 8 p.m. to 6 a.m.; but fortunately the above device was hit upon for both rigidity and elasticity of regulation at one and the same time; the clause adopted leaves it to each nation to arrange certain of the hours of the international night to suit the convenience of its industry, while other hours, *viz.*, from 10 p.m. to 5 a.m., essential to the rest of the worker, are made determinate and obligatory in all countries irrespective of their industrial peculiarities. Thus concomitant and consistent with its rigidity and uniformity of regulation, the instrument leaves to each nation the option of fixing the international night between eight or more differing pe-



riods of time, namely, 6 p.m.-5 a.m.;  $6\frac{1}{2}$ - $5\frac{1}{2}$ ; 7-6;  $7\frac{1}{2}$ - $6\frac{1}{2}$ ; 8-7;  $8\frac{1}{2}$ - $7\frac{1}{2}$ ; 9-8; 10-9. Moreover, eleven hours constitute merely the legal minimum; it is optional with each State to extend the period of rest if desired. This elasticity was designed to render the agreement applicable to all countries, whether of frigid or equatorial temperature; and when later at the Diplomatic Conference in 1906 it was transformed into a Convention, there were added provisions that made for its still greater adaptableness in this respect. It should be noted that these observations with reference to the outlines apply with equal force to this Convention, of which they were but the precursor and which subsequently became law between the nations.

The method just described of defining the international night was without precedent. In all the legislation of the States, such periods of uninterrupted rest had been established by stipulating the time from a definite evening hour to a definite morning hour; *e.g.*, two States had chosen the hour from 7 p.m. to 5 a.m.; six States, 8-6; one,  $8\frac{1}{2}$ - $5\frac{1}{2}$ ; one, 8-5; four, 9-5; and one, 9-6.

The exceptions to the prohibition of women's night-work were provided for in Section 2 of Article II and in Articles III-V. For the sake of signatories having no law covering the night-work of adult females, the length of the night's rest could be limited to ten hours for a transitional period of three years, which would obviously be reckoned from the time of the Convention's execution, Jan. 1, 1911, and would consequently extend to Jan. 1, 1914.<sup>5</sup> Exemptions from the prohibition's operation might also be made in cases of extreme necessity, or when required to avert the otherwise inevitable loss of materials susceptible of rapid deterioration, while for industries subject to the influence of the seasons as well as for any industry under unusual circumstances, the length of nocturnal rest might be reduced to ten hours during sixty days in the year. Moreover, in providing for the deposition of ratifications not later than Dec. 31, 1907,<sup>5</sup> three years subsequent to which the Convention would come into force (Jan. 1, 1911),<sup>5</sup> it was stated that in so far as its terms applied to manufactories of raw beet sugar, wool combing and weaving establishments, or open works of mining operations suspended at least four months in the year on account of climatic conditions,

<sup>5</sup> These dates were later changed.



the three-year interim between the deposition of ratifications and subsequent execution might be extended to ten years.

The signers of this draft convention were: Denmark, Austria, Hungary, Belgium, Germany, Italy, France, Spain, Luxemburg, Norway, Holland, Portugal, Switzerland. The representatives of Great Britain declared their lack of authority to sign but maintained that the British Government shared the sentiments which animated the Conference. Sweden's delegates similarly voiced the hope that the principles advocated by the Conference would succeed to adoption by their country, perhaps before the expiration of the time provided by the instrument. The United States was not represented in these deliberations.

*Intervening Events.*

In a Circular Note<sup>6</sup> of June 26, 1905, the Swiss Federal Council proposed to the powers the convocation of a diplomatic conference to enact the preceding tentative agreements into real Conventions. Under date of June 14, 1906,<sup>7</sup> another Circular Letter recorded the results of the proposal to the effect that favorable replies had been received from Germany, Austria, Hungary, France, Belgium, Denmark, Italy, Luxemburg, Switzerland and the Netherlands. Portugal and Sweden were ready to accede to the agreement that related to the work of women; Norway sympathized with the movement, but was not ready to participate; the United Kingdom was ready to adhere to the prohibition of the night-work of women under certain conditions. In her conditions, England stipulated that all the States engaged in international competition should adhere; that the adhesion of other States, in which certain industries might develop, should be made possible; and that there should be a sufficient guarantee that the provisions of the Convention would be executed. Furthermore, the British Government asked that some conclusion be arrived at both with respect to the period during which the Convention should apply and the feasibility of instituting a standing commission to investigate alleged contraventions of the same

<sup>6</sup> E. B. I, (7-8) p. XXXII.

<sup>7</sup> *Ibid.*, pp. XXXII—XXXIII.

as well as to propose whatever amendments chemical or mechanical inventions might make necessary from time to time. With reference to the interdiction of the use of white phosphorus the Government refused to express an opinion.

On June 12, 1906, Mr. Sarrien of the French Cabinet known by his name referred to the Bern Conventions in the following language:<sup>8</sup>

"The conflicts between capital and labor are becoming daily more frequent and more acute, they run the risk of affecting adversely the prosperity of commerce and industry, and we believe that it is time to study seriously the means of preventing their return. . . .

". . . Economic problems are playing every day a more important rôle in the equilibrium of the world, and certain social questions cannot be completely solved by international legislation without an international agreement.

". . . An initial step is being taken in this direction on the initiative of the Committee of the International Association for the Legal Protection of Labor. A Convention has been drafted with a view to insuring the prohibition of the industrial night-work of women, as well as the prohibition of the use of white phosphorus in the manufacture of matches. The 5th of last April we made known that the Republic would give its definite and unreserved adhesion to that Convention.

"We shall seek to extend by degrees the sphere of these international agreements on labor questions. Thus, in the social and economic sphere as in the domain of politics properly so-called, we shall hope to serve at the same time the cause of the internal peace of the Republic and that of universal peace."

The Swiss Note of June 14 fixed the date of the impending Conference for Sept. 17, and the place at Bern. Another Note, sent Sept. 4, announced that the Japanese Government would not participate. The Note also laid before the governments the proposal<sup>9</sup> of the British Secretary of Foreign Affairs for the

<sup>8</sup> L. Chatelain—*La Protection internationale ouvrière*, pp. 5-6.

<sup>9</sup> *E. B. I.*, (7-8) pp. XXXIII; XXXV.

establishment of a permanent International Commission whose task it should be to superintend the execution of International Labor Conventions in conjunction with such duties as the following:

1. To give opinions on disputed points and complaints;
2. To investigate and report facts in the case;
3. As a last resort in cases of dissension, to promote arbitral proceedings at the request of one of the High Contracting Parties;
4. To consider programs for conferences on industrial questions.

*International Diplomatic Conference of Bern. Sept. 17-26, 1906.*

The above proposal was unacceptable to Germany, Austria, Hungary, and Belgium, it being asserted that although representatives of particular countries would have expert knowledge of the systems peculiar to their country, nevertheless the other members of the commission could outvote them at pleasure in the adoption of measures of vital import to those systems and affecting them adversely; and that, besides, the proper method of settling disputed points would be to call further conferences.

Two Conventions<sup>10</sup> were signed on Sept. 26, 1906, by the plenipotentiaries of the contracting States, reserving ratification to their respective governments. The States signatory to the Convention for the Prohibition of the Night-Work of Women were: France, Spain, Germany, Austria, Hungary, the United Kingdom, Italy, Luxemburg, the Netherlands, Portugal, Denmark, Sweden, Switzerland, and Belgium. Denmark was to be allowed to postpone the deposit of her ratifications until the Danish Factory Act of April 11, 1901 should be revised during the autumn of 1910.<sup>11</sup> That Great Britain and Sweden were of the number is to be specially noted as they did not sign the draft agreement in the former Conference in 1905; while Norway, a signer of the agreement of 1905, was not among the signatories in 1906.

Nothing contemplated by the agreement of the previous year was excluded from the Convention; the latter did, however, am-

<sup>10</sup> E. B. I, (4-8), pp. 273-276.

<sup>11</sup> E. B. I, (7-8) p. xxxiv.



plify, add to, and make more precise the terms of its model. The first four articles of the two documents were practically identical. Article V was a departure; it evinced unwonted pains on the part of the envoys to emphasize the obligations inherent in the Convention, declaring that it was incumbent upon each of the contracting parties to take the administrative measures necessary to insure on its territory the strict execution of the provisions. In addition to this, it stipulated a procedure that might be said to partake slightly of the nature of a sanction: the governments were to communicate to one another all laws and regulations upon the subject, then or thereafter in force, and to make periodic transfer of reports concerning their application. Thereby dereliction in the enforcement of the Convention could be readily apprehended by sister States whose joint diplomatic effort might avail to restore the delinquent to the path of rectitude.

Still further did the Convention outdo its archetype, when it came to specify the potential scope of its operations; for by Article VI, colonies, possessions, and protectorates could adhere when notification to that effect should be tendered the Swiss Federal Council by their metropolitan government. Also, sovereign powers outside of Europe were contemplated specifically in the provisions of Articles VII and IX. The aforesaid Articles endeavored to lend sufficient elasticity to the Convention to make it adaptable to peculiar circumstances and conditions that might otherwise preclude its application. For example, upon notifying the adhesion of colonies, possessions, or protectorates, the home government could except from the operation of the law such native works as did not admit of inspection; or, if conditions of climate or native population in dependencies, or States outside of Europe, were such as to make the international night untenable, the period of unbroken rest could be reduced below the established minimum of eleven hours on condition that compensatory rest should be accorded during the day.

The date for closing the *procès-verbal* of the deposit of ratifications was extended from Dec. 31, 1907, to the same date in 1908, leaving an interval of two years instead of three before the time (Jan. 1, 1911) set for the Convention's execution. Non-signatory States could declare their adhesion by an act addressed



to the Swiss Federal Council, in which case, as also in case of a colony, possession, or protectorate, the interval before execution would be reckoned from the date of adhesion. No party to the Convention could lawfully denounce it within twelve years of the closing of its record of ratification, thus guaranteeing it a fair trial. Thereafter, it might be denounced from year to year, the revocation to take effect one year after it had been notified to the Swiss Federal Council by the proper authority.

The powers signing the second Convention respecting the prohibition of the importation, manufacture, or sale of matches containing white (yellow) phosphorus were: Switzerland, Denmark, France, Italy, Luxemburg, the Netherlands, and the German Empire. Italy in particular had much at stake in this move as she was one of the most important producers of matches. Five States which signed the agreement of 1905 failed to sign the Convention. These States were Austria and Hungary, excusing themselves because of the non-adhesion of Japan; Portugal, because in 1895 it had granted a match monopoly to last for thirty years; and Belgium, and Spain. Denmark had not signed the outlines, but now adhered to the Convention. Norway, Sweden, and the United Kingdom did not sign on either occasion, although the British delegates signified willingness to adhere if all the others did likewise. By the agreement of the year preceding, the execution of the phosphorus law had been made conditional upon the concurrence therein of all the States represented and Japan, but this condition was not attached to the Convention of 1906.

The same stipulation that found place in the other Convention in emphasis of the obligation rigidly to enforce the law enjoined thereby and mutually to report all official action germane to the matter, were added to this Convention by Article II; while, in further similarity to the first Convention, its sphere of application was so extended as to render possible the adhesion of colonies, possessions, or protectorates, and States not then signatory. The ratifications of the co-signatory nations were to be deposited by Dec. 31, 1908, and the Convention was to come into force three years from that date (Jan. 1, 1912), while for non-signatory States and dependencies, a period of five years was to intervene

between the time of notifying their adhesion and making good its execution. Also, the provisions for denunciation paralleled those of the first Convention, with the one exception that five years instead of twelve constituted the period within which it could not lawfully be abrogated by any one of the parties to it.

Into the Conference's deliberations relative to the first Convention, there had been injected a discussion of vital import to both, as well as to all such conventions that may ever be framed; it seemed to provoke no slight difference of opinion at the time and perturbed the Conference not a little. This concerned the institution of a sanction. English delegates advocated the adoption of the following most clearly defined sanction up to that time proposed for labor conventions signed by several governments.

"The High Contracting Parties agree upon the creation of a commission charged with superintending the execution of the provisions of the present convention. That commission should be composed of delegates of the different contracting States. . . . The commission shall have the function of expressing opinion on litigious questions and complaints which shall be submitted to it. It shall have only the function of authentication and examination. It shall make on all the questions which shall be submitted to it, a report which shall be communicated to the States concerned. In the last resort, a question in litigation shall, on demand of one of the High Contracting Parties, be submitted to arbitration. In case the High Contracting Parties should be disposed to call conferences on the subject of the condition of laborers, the commission shall be charged with the discussion of the program and shall serve as an organ for the exchange of preliminary views."<sup>12</sup>

But this seemed to some to risk the subversion of law and administrative powers of the State and to constitute an attack upon the principle of their sovereignty. Indeed, infinite wisdom and due diligence would certainly need to be exercised by a commission appointed to the stupendous task of ascertaining and investigating on an international scale the various industries in which women might be found to be employed at night in contravention

<sup>12</sup> L. Chatelain, *op. cit.*, pp. 118-119.

of the law. This question of a proper sanction constitutes one of the most difficult and vital problems of the whole movement; for unless the uniform and effective enforcement of international law on labor can be realized, it is self-evident that it is foredoomed to failure. An attenuated *voeu* was finally signed by representatives of ten States for the institution of a commission of purely consultative character to which questions or disputed points might be referred and whose duty it would be to give opinions as to equivalent conditions pursuant to which there might be accepted the adhesions of states outside of Europe, as well as of possessions, colonies, protectorates, where the climate or condition of the natives would demand modifications of detail in the Convention. Such a commission might also serve as a medium for convening conferences. Nevertheless, the contracting States would have the right to submit questions to arbitration in conformity to Article 16 of The Hague Convention, even if the matter had previously been the object of an expression of opinion by the commission.

*Results of the Bern Convention on Night-Work.*

One month (Oct. 23, 1906) after the foregoing events, the Swiss Federal Government sent to the various powers duplicates of the Conventions signed at Bern, and called attention to the fact that the time allowed for depositing ratifications expired Dec. 31, 1908,<sup>13</sup> and requested the governments to express their pleasure with reference to the establishment of the permanent international commission of supervisory powers that had been proposed over the signatures of ten States. The States however did not create such a commission.

The Government of Luxemburg was empowered to ratify and enforce the Bern Convention.<sup>14</sup> Hitherto employment in mines, open mining and quarries had been forbidden entirely to women, while girls under sixteen were not allowed employment at night in any industrial establishment at all; otherwise the night-work of women had not been prohibited; but now by adhesion to the Convention, the prohibition of night-work was extended to all

<sup>13</sup> *E. B. I.*, (9-12) p. lv.

<sup>14</sup> *Ibid.* II, (1) p. V.

Act of August 3, 1907.



women and the minimum night's rest which had been eight hours long was increased to eleven hours; thus, the ratification and enforcement of the Convention in Luxemburg marked a distinct advance in the protective legislation of that country, and serves to illustrate the character of reforms wrought among the signatory powers in general.

Although Great Britain had refused to sign either the agreement (1905) or the Convention (1906) on the subject of woman's work, she adhered within the prescribed time limit (Dec. 31, 1908), accompanied by a most gratifying brood of dependencies. By an Act under date of August 9, 1907, the English Parliament repealed sections of the Factory and Workshop Act and of the Coal Mines Regulation Act of 1887, conflicting with the Bern Convention on night-work. Denmark, Spain, Italy and Sweden, not having deposited their ratifications before Dec. 31, 1908, entered into an agreement with the remaining signatory States by which these four nations gained the privilege, equally with those States that did not sign the Convention (see Article IX), to notify their adhesion at a subsequent date. Although for Denmark special exception had previously been made, she did not give notice of adherence. Also Spain did not ratify the Convention; but by an Act of July 11, 1912, she prohibited the night-work of married women and widows having children, in shops and factories after date of Jan. 14, 1914. As regards unmarried women and childless widows, the number of such employees is to be gradually reduced by 6% every year until Jan. 14, 1920; from this date the night-work of women is to be entirely prohibited. Under the special provision, Italy adhered by an Act addressed to the Swiss Federal Council Dec. 29, 1909, and Sweden similarly under date of Jan. 14, 1910. The Bill relating to Sweden's participation had been rejected by both Chambers of the Government in 1908, and again it was reported unfavorably by the Committee in 1909; but this time it was passed by both Chambers in spite of the Committee's adverse report.<sup>15</sup> The Acts of Sweden illustrate the manner in which exceptions legally may be taken to the Convention.<sup>16</sup> Two procla-

<sup>15</sup> E. B. V, (2) p. xvii.



mations (June 9, and Aug. 11, 1911) allow exemptions in the preparation of preserved fruit and vegetables and in salting of herring, in pursuance of the Act (Nov. 20, 1909) prohibiting the night-work of women, which in conformity to the terms of the international Convention on the subject, empowers the government to make exceptions to such prohibition in the preparation of materials subject to rapid deterioration.

In a Circular Note<sup>17</sup> of March 19, 1909, the Swiss Federal Council put forward the proposal that the period of time provided for compliance with the terms of the Convention should be computed from Jan. 1, 1909 in the case of States which deposited their ratifications within the limit prescribed. This was to interfere in no way with the later adhesion of other parties; the proposition involved considerable correspondence<sup>18</sup> and not meeting with the unanimous consent of the States, failed. The Belgian and French Governments suggested that the period of two years, at the immediate close of which the Convention was to be brought into force, should be reckoned from Jan. 14, 1910. On this date had occurred the adhesion of Sweden, the last of twelve States to ratify the instrument. The Federal Council interpreted the proposal as meaning also that the period of ten years reserved for sugar beet factories, woolen mills, *etc.* (See Art. VIII) should extend from the same date, which would thus determine a uniform time for the Convention's execution by every one of the States that had ratified, in spite of previous irregularity in their adhesions. To this proposition, the Federal Council gave its assent (Note of April 9, 1910)<sup>19</sup> with the hope that it would be found acceptable by the States which were to be interviewed on the matter; *i.e.*, Germany, Austria, Hungary, Belgium, Denmark, Spain, France, the United Kingdom, Italy, Luxemburg, the Netherlands, Portugal, and Sweden. All except Spain and Denmark expressed approval, and thus it was decided that the Convention should go into operation Jan. 14, 1912 in the case of the dozen States which had adhered on or before Jan. 14, 1910.<sup>20</sup>

<sup>16</sup> *E. B.* VI, (4) p. xlvii.

<sup>17</sup> *Ibid.*, V, (2) p. xi.

<sup>18</sup> *Ibid.*, V, (2) pp. xi.-xvii.

<sup>19</sup> *Ibid.*, V, (2) pp. xiv.-xvii.

<sup>20</sup> *Ibid.*, V, (3) pp. 1-11.

# THE INTERNATIONAL PROTECTION OF LABOR

This Convention prohibiting night-work to women was adhered to by the following countries and colonies:

Country	Date of Adhesion	Date of Coming into Force
	Within prescribed time	
Germany	limit Dec. 31, 1908.	14th Jan. 1912
Austria	"	"
Hungary	"	"
Belgium	"	"
France	"	"
The United Kingdom	"	"
Luxemburg	"	"
The Netherlands	"	"
Portugal	"	"
Switzerland	"	"

## *French Colonies*

Algeria	26th Mar. 1909	14th Jan. 1912
Tunis	15th Jan. 1910	15th Jan. 1912

## *British Colonies*

Ceylon	21st Feb. 1908	14th Jan. 1912
Fiji Islands	"	"
Gibraltar	"	"
Gold Coast	"	"
Leeward Islands	"	"
New Zealand	"	"
Northern Nigeria	"	"
Trinidad	"	"
Uganda Protectorate	"	"
Italy	29th Dec. 1909	"
Sweden	14th Jan. 1910	"

Spain did not notify her adhesion to the Convention, but she nevertheless prohibited the night-work of women. Greece passed a law by which the prohibition of the night-work of women was

decreed on 24th Jan./16th Feb., 1912, satisfying in all respects the conditions of the Bern Convention, although Greece is not a party to it. Night-work was forbidden to women in Japan and India in 1911, but in the former State the regulation applies only to establishments with more than fifteen workers and the night's rest need be only of six hours' duration, while in India the law does not in general apply to establishments which do not employ more than forty-nine persons at any time of the year.

In 1905 the prohibition or lack of prohibition of the night-work of women stood as follows.<sup>21</sup>

1. States without prohibition: Japan. (Estimated number of unprotected female employees: 250,000.)

2. Night-work allowed on a basis similar to the regulations governing day-work: South Australia, California, Illinois, Louisiana, Maine, Maryland, Michigan, Minnesota, New Hampshire, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia. (Unprotected females over sixteen years of age in the United States: 227,000.)

3. Limitation of the day-work of women to eleven hours and the night-work of girls between fourteen and sixteen to eight hours: Spain.

4. Prohibition of night-work to young persons only: Belgium, Portugal, Denmark, Sweden, Finland, Norway, New South Wales, Hungary, Luxemburg, Ohio, Georgia, Wisconsin. (Estimated number of unprotected female employees in the above States: 350,000.)

5. Night-work of women prohibited in certain kinds of occupations: (a) Mines and textile industries: Russia; (b) Factories, mines, blast furnaces: Austria (countries represented in Reichsrat), East Indies (for establishments employing over 50), Luxemburg, Finland, Sweden; (c) Factories, mines, blast furnaces and shops with motor power: Germany, Switzerland (for establishments employing over five workers).

6. Prohibition of night-work of females in establishments without motor power but which employ over:  
5 laborers: Denmark, Portugal, Ontario.

<sup>21</sup> *Publications de l'Association internationale pour la protection légale des travailleurs.* No. 4. p. 6 et suiv.

## THE INTERNATIONAL PROTECTION OF LABOR

4 laborers: Victoria.

3 laborers: Canton Bale-Ville.

2 laborers: Queensland, New Zealand, Cantons of St. Gall and Glarus.

1 laborer: Cantons of Zurich, Bern, Lucerne, Soleure, Argovie, Neuchatel.

7. Prohibition of the night-work of women in principle, subject to exceptions: Great Britain, Switzerland, Germany, France, Holland, Austria, Russia, Italy (beginning with 1907), Manitoba, Quebec, Nova-Scotia, Queensland, Victoria, New Zealand, East Indies, New York, New Jersey, India, Massachusetts, Nebraska.

8. Extension of the principle of the prohibition of the night-work of women to home industry: Holland.

The following were among the non-signatory countries in respect of the Bern Convention on woman's work: <sup>22</sup>

1. Europe: Denmark, Greece, Lichtenstein, Monaco, Norway Roumania, Russia, Finland, and all the Balkan States.

2. Africa: Abyssinia, Congo, Egypt, The South African Union, Rhodesia, Bechuanaland, Swaziland, Zanzibar, Liberia, the German and Portuguese Colonies, Madagascar, Morocco, Reunion, Senegal.

3. Asia: All States and Colonies with the exception of Ceylon.

4. America: All States excepting Trinidad and the Leeward Islands.

5. Australia and Polynesia: All States excepting New Zealand and Fiji.

### *Results of the Convention Prohibiting the Use of White Phosphorus.*

For the six States which deposited their ratifications within the prescribed term and without reservation the time fixed for the execution of the Convention was Jan. 1, 1912. Italy alone of the seven signatories failed in this respect but she was allowed to adhere later. Although Great Britain had not signed the Convention at Bern, she gave notice of adhesion Dec. 28, 1908, and so completed atonement for seeming obstinacy with reference to the agreements and Conventions signed by other powers at Bern

<sup>22</sup> *Publications of International Labor Office.* No. 8, p. 85.



# CONVENTIONS SIGNED AT BERN

in preceding years. We may forgive England; but what about the States who said: "I go" and "went not"?

The following subscribed to the Convention which prohibited the use of white (yellow) phosphorus in the manufacture of matches:

Country	Date of Adhesion	Date of Coming into Force
	Within prescribed time	
Germany	limit Dec. 31, 1908	1st Jan. 1912
Denmark including Faroe Islands and Danish Antilles	"	"
France	"	"
Luxemburg	limit Dec. 31, 1908.	14th Jan. 1912
The Netherlands	"	"
Switzerland	"	"
<i>French Colonies</i>		
Somali Coast	26 Nov. 1909	26 Nov. 1914
Réunion	"	"
Madagascar & Dependencies	"	"
French West Africa	"	"
Settlements in Oceania	"	"
New Caledonia	"	"
Tunis	15 Jan. 1910	15 Jan. 1915
Great Britain and Ireland	28 Dec. 1908	28 Dec. 1913
<i>British Colonies</i>		
Orange River Colony	3 May, 1909	3 May, 1914
Cyprus	4 Jan. 1910	4 Jan. 1915
East Africa Protectorate	"	"
Gibraltar	"	"
Malta	"	"
Mauritius	"	"
Seychelles	"	"
Southern Nigeria	"	"
Uganda Protectorate	"	"
The United Kingdom	"	"
Northern Nigeria	24 Feb. 1910	24 Feb. 1915

# THE INTERNATIONAL PROTECTION OF LABOR

Leeward Islands	26 Mar. 1910	26 Mar. 1915
Virgin Islands		
St. Christopher & Niero		
Montserrat		
Dominica		
Antigua		
Fiji Islands	20 June 1910	20 June 1915
Gambia	22 Oct. 1910	22 Oct. 1915
Gold Coast	"	"
Sierra Leone	"	"

From 3 May 1909

Union of South Africa	retroactively	3 May 1914
Canada	20 Sept. 1914	20 Sept. 1919
Bermuda	19 Dec. 1910	19 Dec. 1915
Southern Rhodesia	20 Feb. 1911	20 Feb. 1916
New Zealand	27 Nov. 1911	27 Nov. 1916
Italy	6 July 1910	6 July 1915
Dutch Indies	7 Mar. 1910	7 Mar. 1915
Spain	29 Oct. 1909	29 Oct. 1914
Norway	10 July 1914	10 July 1919

The manufacture and sale of white phosphorus matches was prohibited in Victoria, Western Australia, Tasmania and New South Wales. The United States also placed a prohibitive tax on such matches and prohibited their importation and exportation.

The following are countries that permitted the manufacture of phosphorus matches:<sup>23</sup>

1. Free manufacture (a) in Europe: Belgium, Russia (subject to a different tax on white phosphorus), Sweden (prohibition of their sale in Sweden), Turkey; (b) outside Europe: all Asiatic States (with the exception of Cyprus and the Dutch and East Indies), America (with the exception of the United States, Canada, the Danish and British Antilles, and Mexico), Abyssinia, Egypt, Zanzibar.

2. Countries with State monopoly: Bulgaria, Greece, Portugal,

<sup>23</sup> *Publication of the International Labor Office.* No. 8, p. 87.

CONVENTIONS SIGNED AT BERN

Roumania, (State monopoly, but with use of sesquisulphide),  
Servia.

Of the above only Japan and Sweden are of importance as exporting countries.

In answer to a Swiss Circular Letter (July 17, 1911) asking whether the importation of sample matches made with white phosphorus should be forbidden the replies were as follows:<sup>24</sup>

Affirmative.

Great Britain

Italy

Denmark

France

Spain

Negative.

Germany

The Netherlands

Luxemburg

This appears to be a quibble hardly worthy, in the light of the terms of the Convention, of the three powers negatively inclined. But it is a fair example of those differences of opinion which make the questions of interpretation and sanction such intricate and vital problems in international law. Is the word *introduction* in the French version of the Convention merely to be interpreted as "introduction" for industrial purposes rather than in the strict sense of "importation," and consequently is the importation of sample phosphorus matches to be condemned? It would be interesting to understand the object of importing sample cases of phosphorus matches whose "introduction," "manufacture" and "sale" within the realm is forbidden.

*Bern Conference. Sept. 15-25, 1913.*

Delegates to the sixth biennial meeting of the International Association for Labor Legislation, held at Lugano, Switzerland, in 1910, undertook measures to prepare the way for a second series of international conferences to draft international conven-

<sup>24</sup> E. B. VII, (1-2) p. 1-4.

tions prohibiting the night-work of young persons entirely, and also the day-work of women and of young persons in excess of ten hours. This led to the preparation by the Bureau of a program to serve in case a conference should be called to outline such agreements; and by a Swiss Circular Letter of Jan. 31, 1913,<sup>25</sup> this program was submitted to the States invited to support the project; *viz.*, Germany, Austria, Hungary, Belgium, Bulgaria, Denmark, Spain, France, Great Britain, Greece, Italy, Luxemburg, Norway, the Netherlands, Portugal, Roumania, Russia, Servia, Sweden. In consequence, delegates from the above States, with the exception of Servia, Roumania, Luxemburg, Greece, and Bulgaria, assembled with the representatives of Switzerland at Bern, Sept. 15, 1913.

The tentative agreements intended to be later transformed into conventions by an international Diplomatic Conference, in conformity to the precedent set by the Bern Conventions of 1906, followed in general the program worked out by the Bureau; but varied from it in a number of respects by reason of both additions and subtractions. The first agreement prohibiting night-work to young persons, received the signatures of delegates from Switzerland, Sweden, Portugal, Holland, Norway, Italy, the United Kingdom, Germany, France, Spain, Belgium, Hungary, and Austria. According to the principles that were adopted and made applicable to all concerns where more than ten persons were employed, the prohibition was to be general for employees under sixteen years of age, and absolute for all under fourteen. Industrial undertakings were defined in the same sense as industrial enterprises in the Bern Convention respecting the work of women, and the night of rest prescribed for young workers was also to be the same as the international night of eleven hours fixed by that Convention. Certain exceptions to this last rule, however, were allowed for coal and lignite mines and bakeries, also, for colonies, possessions, protectorates, or extra-European countries, where climate or conditions of native population might require a different regulation; but in all such cases the shortening of the night was to be compensated by rest in the daytime. Moreover, work during the night by individuals over fourteen years of age might

<sup>25</sup> E. B. VIII, (3-4) 1913 pp. 103-106.



be allowed when public interest demanded it, or in case of *force majeure* where there occurs an interruption in business impossible to foresee and non-periodic in character. In so far as this agreement might be found to afford better protection to girls under sixteen, it was to supercede the Convention of 1906 on night-work. Two years after the closing of the record of deposit, the proposed convention was to come into force, with the exception that its execution might be delayed for ten years in respect of employees over fourteen years of age in specified processes in glass works, rolling mills, and forges; in the meantime, however, life or limb of the young in these processes was not to be exposed to any special risk or danger.

These provisions were not the exact counterpart of recommendations made by the Bureau of the International Association in the program submitted by it. It had proposed to prohibit the work in question to young persons under eighteen instead of under sixteen; by way of special exceptions for States in which similar regulations had not previously existed, it had contemplated a period of transition in which night-rest for young people between sixteen and eighteen could be legally limited to ten hours instead of extended to the required length of eleven hours; among the exceptions pertaining to workers over fourteen, provision had been made for the prohibition's suspension in case of the manufacture of raw materials susceptible of rapid deterioration or otherwise unavoidable injury; and for seasonal industries, a way was to be left open whereby the period of uninterrupted night-rest could be reduced to ten hours sixty times a year under extraordinary circumstances. The period for bringing the agreement into force in glass and steel industries was fixed at five years for workers over sixteen instead of at ten years for workers over fourteen. None of these proposals found their way into the draft sanctioned at Bern.

The second of the draft conventions concerned the determination of a working day for workers under sixteen and women; and, with the exception of Norway, it was signed by the same countries as signed the former agreement. As regards the program that the Bureau had submitted, the age limit for young

workers was changed by the Conference from eighteen to sixteen, while the principles in general were amplified and made much more specific in detail. The prospective convention stood for a ten-hour day, but at the same time allowed the period of work to be otherwise limited through the device of fixing a maximum of sixty hours of work per week with the length of no single workday to exceed ten and one-half hours. The definition of industrial undertakings and the size necessary to include the same within the purview of the proposed convention were identical with the determinations on these points in the other agreement. Hours of work were to be interrupted by one or more rest periods, one of which, at least, was to occur immediately after the first six hours of work; in cases where work was not of more than six hours' duration, no break would be necessary. Extension of the prescribed workday was to be permitted when public interests demanded it, and also under the following circumstances: in cases of *force majeure* involving an interruption of manufacture impossible to foresee and not of periodic nature, in cases where raw materials might otherwise be subjected to rapid deterioration or loss; and in seasonal industries as well as in any industry under exceptional circumstances. Total work including overtime, even in case of the above exceptions outside of "public interest" and "*force majeure*," was not to exceed twelve hours a day save in fish, vegetable, and fruit establishments; and overtime was not to exceed 140 hours per year except in the industries first mentioned together with manufactories of brick, tiles, clothing, feather articles, articles of fashion, and artificial flowers, all of which might if necessary extend overtime to not over 180 hours per calendar year. Nevertheless in no case, not even in any of the above exceptions outside of "public interest" and "*force majeure*," was the working day to be extended for young workers under sixteen.

The agreement would come into force two years after closing the record of the deposition of ratifications; however, for manufactories of raw sugar from beets, of machine-made embroidery, and in textile mills for spinning and weaving, the interval might be extended from two to seven years, while in States where it was the custom to require eleven hours of work of women and

children, the postponement of the agreement's execution might be equally prolonged under certain conditions specified.

These draft conventions having been approved by the Conference, were submitted to the governments interested by a Swiss communication of Sept. 29, 1913.<sup>26</sup> Several weeks later another Letter (Dec. 30, 1913)<sup>27</sup> to the same parties including Luxemburg, whose delegate had been unavoidably detained from the Conference, conveyed the protocol of the meeting. The same Letter proposed Sept. 3, 1914 as the date for holding an international Diplomatic Conference to turn the outlines into real conventions. A later Note (July 14, 1914)<sup>28</sup> stated that the Conference could be considered as assured in view of the favorable replies anticipated and already received, although Russia had intimated dissatisfaction with the agreements, declaring them unsuitable to her conditions of industry, and therefore not of a character to make it desirable for her to participate. Norway also had announced a disinclination to take part, asserting that her own legislation conferred more extensive protection than that offered by the conventions proposed, and that a Bill then pending promised a further extension of her protective law. In conclusion, the Swiss Note recommended that the method of procedure at the Diplomatic Conference of Bern in 1906 be followed in the impending meeting; also that certain sections of the Convention of 1906 pertaining to woman's work be included in the agreement on night-work under consideration; and that editorial improvements be made in the wording of the texts of the proposed conventions.

A Circular Letter of Aug. 7, 1914 contained the following:<sup>29</sup>

"In our Circular Letters of 30th December, 1913, and 14th July, 1914, we had the honor of sending to your Excellency certain communications with respect to an International Diplomatic Conference relating to labor regulation and to submit proposals to your Excellency. The Conference was to have met in Bern on 3rd September, but the present political events do not seem to

<sup>26</sup> *E. B.* VIII, (9-10) 1913, p. 363-366.

<sup>27</sup> *E. B.* IX, (1914) (3) p. 62.

<sup>28</sup> *E. B.* (IX) (7) (1914) p. 287-288.

<sup>29</sup> *E. B.* IX, (11-12) (1914), p. lxxiii.

permit this. We feel sure that you will agree with our decision that the Conference be postponed to some future date."

In Austria a Decree of the Ministry of Commerce under date of Sept. 11, 1915<sup>30</sup> granted exceptional permission for the night-work of women and young persons in view of the extraordinary circumstances created by the war. The fact that prohibitions on the subject had been adhered to by Austria, without official modification, throughout the first year of the conflict, (one of the avowed reasons for such adherence being that some of the prohibitions had an international basis) portends much for the enforcement of such law in times of peace. Moreover, even then, the permission was not granted indiscriminately, but rather only on condition that the merits of each case should be carefully tested by the industrial inspector and passed upon by provincial authorities, or in case of disagreement, by the Ministry of Commerce.

<sup>30</sup> *E. B. XI*, (1-2) (1916) p. 31-32.



## CHAPTER II

### PROTECTIVE LABOR TREATIES\*

AT the second meeting of the International Association for Labor Legislation at Cologne (Sept. 26-27, 1902), representatives of the French and Italian Governments entered into informal negotiations with reference to the conclusion of a labor treaty. The matter, which had been broached even previous to this occasion, did not become the subject of immediate action; for a year and over it dragged along with the prospects of its realization growing constantly brighter, until at last, the preliminaries being completed, it became, April 15, 1904,<sup>1</sup> the first of a new order of treaties reciprocally insuring the protection of workmen. By its terms Italians working in France received, in effect, the promise that some day they would enjoy benefits of French labor legislation heretofore denied to foreigners, while Italy agreed to superimpose upon the economic framework of her country certain of the perfections of labor control applied by her neighbor. The advantages reciprocally derived were not identical, a fact which becomes important when the *pro's* and *con's* of international regulation are debated. France benefited in that a competitor became subject to certain restrictions upon industry and Italy profited by the increased protection to be accorded to her laboring classes, in the first instance, by herself. It forms an interesting puzzle to inquire whose was the greater gain. This is not however a complete statement of the situation.

By its preamble the two general purposes of the Treaty<sup>2</sup> were presented as follows:

(1) To grant to nationals of either country laboring in territory of the other reciprocal banking accommodations and advantages of social insurance;

\* For copies of the treaties, see Appendix I.

<sup>1</sup> G. B. Bd. 3. S. x.

F. B.—*Bulletin de l'Office International du Travail*, t. III. (1-3) p. I-VI.

<sup>2</sup> A.D. 1904, t. 92, p. 1269-1274.

(2) To guarantee the mutual maintenance of protective labor measures, and co-operation in the advancement of labor legislation.

As regards reciprocal privileges in the use of banks, precise and effective rules were laid down; in the matter of labor inspection, Italy undertook an important obligation; with reference to the rest, mere principles were announced upon which to negotiate understandings of the future.

The Treaty privileged the nationals of either country to transfer deposits without charge from the State Savings Bank of France to the Postal Savings Bank of Italy, or *vice versa*; and funds thus transferred became subject to the rules applied by the receiving bank to the deposits of its country's citizens. This was the only outstanding provision whose terms of reciprocity were identical and that was made executory by the terms of the Treaty. The one other Article whose application was not left wholly contingent upon future circumstances was Article IV. In this Italy promised to complete throughout her whole kingdom a system of labor inspection offering, for the application of the law, guarantees analagous to those of the French system, and organized with respect to the objects of its special care; *i.e.*, women and children, along four general lines:

- (1) Prohibition of night-work;
- (2) Age for admission to work;
- (3) Length of the workday;
- (4) Obligation of weekly rest.

Italy's engagement was its own admission of the inadequacy of labor inspection within her territory. In the matter of regulating the night-work of women, she had been very far behind France in the enactment of prohibitory law, and her legislation had remained, likewise much inferior in respect of the age limits fixed for the classes to whom such work was forbidden. Similarly deficient or tardy had been Italian legislation concerning the age limits determined for the admission of children into factories. Differences also prevailed in the law respecting the workday; Italy permitted a longer day of work for women and children than did France. But conditions were more on a par as regarded weekly rest. The former decreed such rest for all children

under fifteen; the latter, for children under eighteen; and both, for all women. The Italian Government agreed by Article IV of the Treaty to study the means of reducing the daily work of women, and each Government promised to publish an annual and detailed report on the application of statutes and regulations governing child and female labor. By comparison and improvement of legislation, it was anticipated that glaring dissimilarities in the labor laws of the two countries would gradually disappear, and so prepare the way for the conclusion of future agreements.

The rest and major content of the Treaty belonged to what might be termed the realm of speculation; in other words, it outlined what other treaties might enact. In Article I on the subject of bank transfers, provision was made whereby by future agreement the private banks of one country might transfer funds to those of the other, if not gratuitously, at least, at reduced rates. The private banks contemplated were those of industrial centers and frontier towns. It was desired that investments by nationals of one country in savings institutions of the other should receive especially favorable treatment at the hands of the contracting Governments.

With reference to workmen's insurance or pensions, the principle was laid down that the part of the benefit due as a result of premiums paid or deposits made, was to be surrendered to the laborer upon his withdrawal from the undertaking in which he was insured; otherwise, although an enterprise in France could demand equal insurance premiums from French and Italian laborers, it might refuse to make any return in the event of the foreigner's withdrawal as a consideration for the protection relinquished and the payments already made.

Three elements may enter into workmen's insurance:

(1) The contribution of the laborer, for which the Treaty provided as above noted;

(2) That of the employer, regarding which it merely stipulated that there should be reciprocity of regulation between the countries;

(3) State subventions, the benefits of which were to be enjoyed only by the State's own citizens. A country could subsidize



a citizen's pension acquired from an institution of the other country if it chose to do so.

Pensions acquired in one State were to be made payable in the other through the medium of insurance institutions and postal service. For employees laboring alternately in France and Italy and thus prevented from fulfilling the requisite conditions for insurance in either country, there was to be devised a special system under which pensions could be made to accrue to such workmen.

In case accident befell a laborer of either country, working in the territory of the other, he or his assigns were to be entitled to accident benefits on equal terms with the subjects of the land in which the accident occurred. This was the principle so earnestly debated and advocated throughout the Delegates' Meetings of the International Association and destined to be incorporated into a noteworthy series of treaties on accident insurance. Certain laws of France involved the direct derogation of this principle. By her municipal law of April 9, 1898, a foreign laborer, the victim of an accident, upon ceasing to reside in French territory, was obliged to accept a sum compounded to three times the amount of his annuity in lieu of all further pension; and by Act of March 31, 1905, the same principle was retained, with the provision that a foreign insuree's assigns might receive compensation even if they ceased to reside on French territory. If, however, the assigns were not resident in France at the time of the accident, they forfeited all right to compensation. Fortunately the law of 1905 allowed for the modification of these provisions in pursuance of reciprocity treaties on accident insurance, and so safeguarded the possibility of the realization of this principle as advocated by the Treaty of April 15, 1904.

In case of the advent of insurance against unemployment in both countries, an agreement was contemplated by which Frenchmen and Italians working in the territory of either contracting party might share the privileges of such insurance.

In cases where these agreements provided for by Article I should become established, they were to be binding for a period of five years only; thereafter, they might be abandoned upon one year's notice, or otherwise be allowed to renew themselves from



year to year by tacit consent. Unforeseen circumstances were to be able to work either abrogation or the more perfect adaptation of the measures if time rendered their original forms undesirable. Of such character were the possibilities contemplated by this Article.

A signal abuse which for some time had attracted the serious attention of governmental authorities was the traffic in Italian children furnished with work certificates falsifying their age so as to admit them to French industry prior to their attainment of the legal age. There was a class of recruiting officers or middlemen who made a business of this traffic. To set on foot measures to stop the evil and preclude its recrudescence, Article II of the Treaty forecast an agreement that would necessitate governmental certification of the documents involved and a rigid inspectorate, protecting reciprocally young workers of either country when employed in the other. There was also suggested the plan of forming protective Committees including in their membership as many compatriots of the young foreigners as possible, and functioning in districts where large numbers of them were employed. Because of the small number of French children employed in Italy, this provision became of benefit principally to the much larger number of young Italian laborers in French territory.

On the occasion of an international labor conference in which one of the contracting parties took part, the other was to feel duty bound similarly to participate according to the engagement of Article III of the Treaty.

By Article V, each party reserved the right to denounce the compact at any time by making known its intention one year in advance. Occasion for denunciation would be found in failure to enforce the systems of inspection prescribed or to respect the obligations assumed in reference to protective law for women and children (see Art. 4, S 2), or in any gross violation of the spirit of the instrument, as for example, the curtailment of protective law covering the subjects treated. A protocol<sup>3</sup> was attached, which specified by name the laws of each country whose proper execution was made compulsory by the terms of the in-

<sup>3</sup> G. B. Bd. 3, (1904). S. 154.

strument, and named the bodies in each country competent to interpret the same in its relation to the laws and to judge as to whether occasion for its annulment had been given by the other party. However much detractors may have laughed at France and Italy over the theoretical parts of their Convention of April 15, France and Italy laughed last, as time revealed.

*Swiss-Italian Treaty. July 13, 1904.*

On 13th July of the same year, Italy signed with Switzerland a commercial Treaty<sup>4</sup> containing an Article whose provisions were to be made effective by a separate act independent of the execution of the rest of the Treaty. This Article (No. 17) authorized the mutual investigation on the part of the contracting powers of the question of workmen's insurance with the object of according in so far as possible to the citizens of each working in the territory of the other equal or equivalent advantages. It is clear that this looked forward to some such arrangement as that contemplated by the Franco-Italian Treaty on the subject, although that Treaty announced the principle of the equality of treatment of foreigners and citizens, while this merely specified reciprocity in the treatment of foreigners.

*German-Italian Treaty, Dec. 3, 1904.*

It is very evident that Italy did a full year's work in 1904 with respect to labor agreements; just before the year closed, she concluded with Germany a commercial Treaty<sup>5</sup> identical in its terms with Article 17 of the Swiss-Italian Treaty. The action would seem to presuppose an intention upon the part of Italy to work radical improvement in her insurance system; for were Germany to accord to Italian workmen within her realm insurance advantages equal to those enjoyed by her own subjects and then to demand that Italy give German subjects on Italian soil equally favorable privileges, a much heavier burden in the way of reform would be imposed upon Italy than upon Germany.

Compulsory insurance against disease had been established in

<sup>4</sup> 2. Chatelain, *op. cit.*, p. 193.

<sup>5</sup> *Ibid.*, p. 194.

Germany as early as 1883; employees met two-thirds of the expenses of the system, and employers, one-third. Compulsory accident insurance had been introduced by a law of 1884; under it employers became members of insurance associations and were obliged to defray the cost of all indemnities. In 1889 there had been organized an insurance system against sickness and old age, to which all salaried persons over sixteen years old and not having an annual income in excess of 1000 marks were compelled to subscribe, thereby receiving invalidity benefits in case of need, and a regular pension at the age of seventy if payments had been made for a period of thirty years. The funds were derived partly from contributions of employees classified into five groups paying different premium rates; partly, from employers who duplicated the premiums of the employees; and the rest, from the State which made an annual donation of fifty marks for each pension. By way of comparison, we may note that in 1910 France prescribed for laborers receiving less than three thousand francs a system of insurance which, not unlike Germany's, derived its support from contributions of employees, employers, and the State, but which made sixty-five instead of seventy the pensionable age. Sickness insurance is prescribed for certain classes. The French system has both compulsory and voluntary features. In both France and England, as well as in Germany, the incidence of compensation for accidents falls entirely upon the shoulders of employers.<sup>6</sup>

Italy's systems of insurance were very inadequate, being non-compulsory in character in so far as related to invalidity and old age, although she had obligatory accident insurance. A state system largely voluntary in character could hardly possess much stability and certainly could not accord to German workmen in Italy the same guarantees that could be granted to Italian laborers in Germany. The self-imposed task that Italy contemplated was not a small one.

*Treaty Between Germany and Austria-Hungary, Jan. 19, 1905.*

In a commercial Treaty between Germany and Austria-Hungary of Jan. 19, 1905, an article of practically the same nature

<sup>6</sup> Carlton, *History and Problems of Organized Labor*. p. 310 *et seq.*



as that of the two preceding Treaties was included.<sup>7</sup> In addition to specifying the need of reciprocity in the matter of insurance, it propounded the broader subject of reciprocity "in protection of labor." For Austria and Hungary, as for Italy, the thought of contracting a labor treaty with Germany prognosticated general improvement in their protective labor régimes. Austria possessed compulsory accident insurance supported by laborers and employers, and had also compulsory sickness insurance. Hungary did not have general regulations covering accident insurance; but had a special system for agricultural workers which was obligatory in respect of accidents and voluntary in respect of invalidity, paying benefits in case of death, old age, or incapacity.

*Accident Insurance Treaty Between Luxemburg and Belgium.*  
April 15, 1905.

But destiny had reserved for the Kingdom of Belgium and the Grand-Duchy of Luxemburg the honor of devising the first insurance Treaty<sup>8</sup> to specify, in addition to general aims, a *modus operandi* for their realization; in other words, instead of cogitating upon possible law, it laid down the law, and thereby gave to a long mooted principle its first practical international application. As between the signatory countries, it established that subjects of one State injured through an industrial accident within the territory of the other should be entitled to the same compensations and guarantees as subjects of the State within which the injury was received, exception being made in case of laborers injured when employed temporarily; *i.e.*, for not more than six months, by a business concern whose headquarters were located in the State that was not the scene of the accident. In such cases the insurance law applicable would be that of this latter State. By a supplementary agreement of May 22, 1906, the terms of this exception were specified as being applicable to persons employed by transport lines and working intermittently, but habitually, in the country other than the home of the enterprise.<sup>9</sup> Outside of these exceptions, persons were to be eligible to receive insurance bene-

<sup>7</sup> L. Chatelain, *op. cit.*, p. 198.

<sup>8</sup> G. B. Bd. IV. S. 305-506.

<sup>9</sup> E. B. I, (9-12) pp. 373-374.



fits in the foreign State, who would have been eligible to such had the accident occurred in their native State. As pertained to documents, stamps, records, *etc.*, advantages and exceptions incident to the insurance administration of one State were to be equally applicable to the administration within its confines of the law of the other State, while the magistrates of the two High Contracting Parties were pledged to lend reciprocal assistance in execution of the law. Ratifications were to be exchanged as soon as possible in Brussels, and the Treaty was to go into effect ten days after its official publication and to be terminated one year after the day of its denunciation by either party. By an Act of May 12, 1905,<sup>10</sup> the Government of Luxemburg was empowered to modify laws of the realm when necessary in order to put into operation an international agreement that aimed at reciprocity in insurance administration. The ratifications of the Treaty were exchanged in the following autumn, Oct. 25, 1905.

*German-Luxemburg Accident Insurance Treaty. Sept. 2, 1905.*

The next Treaty on accident insurance,<sup>11</sup> signed by the German Empire and the Grand-Duchy of Luxemburg during the same fall, confined itself to an affirmative statement of that which constituted the exception in the Belgian-Luxemburg agreement. Employees of an enterprise extending its operations from one country into the other for a period of not over six months at most, remained subject to the accident insurance legislation of the State in which the enterprise was domiciled, even if the accident occurred in the other State. Forestry and agricultural pursuits were excluded from the purview of this arrangement. Railroad employees were specifically included. If dispute arose as to what laws were applicable, the decision rested with the authorities of the State in which the headquarters of the business firm involved in the accident were located; *i. e.*, in Germany, with the Imperial Insurance Office, and in Luxemburg, with the Government. A decision by either authority was final and binding upon underwriters of the other country. To guard the party entitled against injustices of delay arising from uncertainty as to what statutes

<sup>10</sup> E. B. Vol. I, (1906) (9-12) p. 372.

<sup>11</sup> G. B. Bd. IV, S. 306-308.

applied in a given case, the insurers first invoked were to take care of the injured party, until it should be determined upon whom the burden of indemnity was ultimately to fall. Other points of minor interest were covered including rules that were to govern in case an establishment so changed its place of operation as to pass from the accident insurance laws of one country to those of the other.

*Franco-Italian Pact. Jan. 20, 1906.*

As the year 1906 opened, the Franco-Italian Treaty of 1904 began to bear fruit. It had introduced reciprocity in the transfer of funds without charge between the national banks of the two countries, and had proposed a similar arrangement between the private banks of the two countries located in industrial centers or frontier towns. To give effect to this latter possibility, an agreement<sup>12</sup> was now completed whereby deposits to the amount of 1500 francs could be transferred without expense between the private banking institutions of these countries. The monies transmitted were to become subject in such matters as interest to the regulations of the receiving bank, while orders on the International Post Office (*mandats d'office*) were to constitute the medium of transfer and to be exempt from tax. Ratifications were exchanged at Paris Dec. 11, 1906.

*Franco-Belgian Accident Insurance Treaty. Feb. 12, 1906.*

The Franco-Belgian Treaty<sup>13</sup> was practically the same as the Belgian-Luxemburg Treaty: Subjects of one of the contracting parties meeting with an industrial accident in the territory of the other were to have the same guarantees and compensations as were provided for the citizens of the State in which the accident occurred. The same principle of the equality of treatment of foreigners and citizens held for assigns of the injured parties and so wrought an exception to the French law of 1905, denying to dependents of foreigners equal rights with those of Frenchmen. Also as in the other Treaty, exception was made for temporary

<sup>12</sup> *A. d.* 1906, t 97, p. 147.

<sup>13</sup> *E. B. I.*, (4-6), pp. 153-154.

employment of not over six months' duration, attention being called to the fact that this exception included persons engaged in transportation enterprises and employed intermittently, whether regularly or not, in the country other than that where the undertaking held its domicile. In case of accident under these circumstances, the law of the undertaking's domicile applied. The Treaty was to take effect one month after its official publication. Ratifications were exchanged June 7, 1906.

A Note of March 12, 1910<sup>14</sup> enlarged upon Article 4, which had merely authorized the authorities of France and Belgium to lend mutual aid in reciprocal execution of the engagement. This Note, which was not to come into operation within three months after it was signed, obligated the signatory States, upon the termination of an inquiry in respect of an accident, to give notice to the proper consular authority in order that he might take cognizance thereof in behalf of the interested parties.

*National Accident Insurance Acts.*<sup>15</sup> 1901-1906.

Notifications of the German Federal Council, under dates of 1901, 1905 and 1906, advert to another phase of the international regulation of accident insurance. The Notification of June 29, 1901 set aside in favor of Italian and Austro-Hungarian subjects provisions of Section 21 of the German Accident Insurance Act and of Section 9 of the Building Accidents Insurance Act, which had debarred foreign assigns not domiciled in Germany at the time of the accident from claiming compensation or indemnities; likewise the Notification revoked in so far as concerned the same nationalities, provisions of Section 94 (2) of the German Accident Insurance Act and Section 37 (1) of the Building Accidents Insurance Act, which had suspended the right of German indemnity to foreign insurees as long as they were not residents of the country. Similar exceptions were made on May 9, 1905 in favor of the Grand-Duchy of Luxemburg, and on Feb. 22, 1906 in favor of Belgian subjects laboring in Germany. By an Act of Dec. 24, 1903, Belgium had erased distinctions between natives and for-

<sup>14</sup> E. B. VI, (1), p. 6.

<sup>15</sup> E. B. II, (I) p. 1; E. B. I, (1-3), pp. V, I. See also the work of E. Mahaim: *Le Droit international ouvrier* (1913).



eigners before the accident insurance laws of her land; thus having accorded to her Teutonic neighbors for two years and over advantages which the action of the German Federal Council now reciprocated. These Acts illustrate what can be accomplished in the cause of the international protection of labor by applying the principle of reciprocity in national labor legislation.

*Franco-Italian Accident Insurance Pact. June 9, 1906.*

In an agreement <sup>16</sup> of June 9, 1906, France and Italy adopted definite measures by which to realize in practise the recommendations of the Treaty of 1904 on the subject of reparation for injuries caused by accidents. The principle which had now become common to such treaties was adopted; *viz.*: citizens of either country injured while at work in the territory of the other acceded to the same insurance privileges as were accorded to citizens of the country where the accident happened. To assigns also, whether resident or not in the country of the accident at the time of the accident, or whether having subsequently ceased to reside there, the same principle of the equality of treatment of foreigners and citizens applied. Thus the French law's derogation of the principle was now superseded in so far as concerned Italian as well as Belgian workmen.

The Treaty provided that French employers could engage an Italian institution to insure Italian assigns not resident in France, conformably to a table of provisional rates annexed to the agreement and subject to revision thereafter. If an *entrepreneur* or insurer vested in the French National Old Age Pensions Fund his liabilities toward Italian laborers, the function of paying the pension might, on demand of an Italian insuree, be turned over to the Italian National Workmen's Disablement and Old Age Provident Fund, the French institution paying quarterly to the latter the monies due. In case of benefits having a fixed rate, the French Fund might make the payment in a lump sum and thereby avoid the nuisance of quarterly payments. Similar stipulations operated for the accommodation of French workmen acquiring indemnities in Italy. Direct remittances from the Italian

<sup>16</sup> E. B. II, (1), pp. 2-4.



Fund to French entitled parties were to be made by postal money orders. (*mandats d'office*.)

Should a special inquiry be concluded with reference to an accident, intelligence of the same was to be immediately given to the consular authority of the district within which the injured workman lived when the casualty took place. Fiscal advantages or exemptions granted by one State to documents prerequisite to the acquisition of insurance monies were to apply equally in the other State. If an Italian pensioner not resident in France should fail to receive payments due and appeal to the Guarantee Fund established by French law, competence to deal with the difficulty would not reside in the municipal authorities as under customary procedure, but would rest in the Italian consular authorities at Paris. The conditions governing the exercise of consular power in such cases were to be determined by the authorities concerned in the two countries. Necessity might work the suspension of the stipulations of the Treaty wholly or in part. If one of the powers gave notice of intention to terminate the agreement in accordance with the regulations specifically prescribed for such action, the force of the arrangement was not to be impaired in so far as it concerned redress due for accidents occurring up to the time of its expiration. The prerogatives and obligations vested in national Funds and consular authorities by the terms of the Treaty were to become of no effect upon its expiration, with necessary exceptions, however, for the regulation of accounts then running and the payment of pensions for which the capital *in toto* had been previously received by a Fund.

*Franco-Luxemburg Accident Insurance Treaty. June 27, 1906.*

In the same month that France signed the preceding agreement, she signed with Luxemburg an accident insurance Treaty<sup>17</sup> of the same nature as the other Treaties already discussed. The principles covering the Treaty that France signed with Belgium (Feb. 21, 1906) may be repeated almost verbatim in an analysis of this act. It was concluded for an indefinite lapse of time, reserving the right of denunciation to each party under condition of a year's notice.

<sup>17</sup> E. B. II, (1), pp. 4-5.

*Franco-German Understanding With Reference to Letters Rogatory.*

Before the close of the year 1906, a commendable precedent had been established by the harmonious action of French and German authorities with reference to the status of letters rogatory pertaining to labor accidents and functioning between the two countries.<sup>18</sup> It seems that the German Secretary of State for Foreign Affairs had received from the French Ambassador a letter rogatory emanating from a French justice and requesting the adduction on German soil of evidence relating to a certain industrial accident. The German authorities graciously deferred to the request, whereupon the Government of France vouchsafed its readiness to reciprocate the favor whenever a similar contingency should lead Germany to solicit it. A common basis for the treatment of such letters was thus established in a manner highly creditable to the national administrators concerned. This spirit of accommodation is efficacious for the removal of mountains in international relations.

*German-Netherlands Accident Insurance Treaty. Aug. 27, 1907.*

The German-Netherlands Treaty<sup>19</sup> like the German-Luxemburg Treaty stipulated that persons employed temporarily (not over six months) in one State by an enterprise domiciled in the other should be subject to the compulsory accident insurance laws of the undertaking's headquarters. It differed from some of the other Treaties in its pains to specify that it was compulsory insurance law that was contemplated, and also in the fact that the traveling staff of transportation lines was to be subject to the insurance law of their line's domicile irrespective of the length of their employment on foreign soil or the foreign situs of any accident. But these topics which constituted the gist of the German-Luxemburg Treaty, were made to appear the exceptions in the present Treaty, whose principal and affirmative declaration was that, subject to the exceptions noted, those enterprises belonging to categories of undertakings covered by the insurance laws of both

<sup>18</sup> Chatelain—*La Protection internationale ouvrière.* p. 227.

<sup>19</sup> *E. B.* II, (3), pp. 350-351.

States and having headquarters in one State but operating in the territory of the other, should be governed by the accident insurance law of the country of operation. Thus it did not specify the equality of treatment of foreigners and subjects; but in so far as law in either country did not discriminate against foreigners, one might infer that equality of treatment would result from its terms.

Provision was made whereby in case of litigation authorities of one country could obtain the sworn depositions of witnesses resident in the other, while exemptions in respect of stamp duties and fees in the administration of the law of one Government were to apply equally to the administration within its borders of the accident insurance law of the other contracting Government. Also, premium rates were not to be varied by one State so as to be prejudicial to employers whose business houses had headquarters in the other. The basis of ascertaining in the currency of one country the equivalent of wages paid in the other was to be determined in a manner specified, whenever the administration of the law necessitated such calculations. Upon the conclusion of the year following the notice of its denunciation by either party, the agreement would become null and void.

A supplementary Treaty <sup>20</sup> of May 30, 1914 decreed that persons were to become subject to the operation of this agreement even though their domicile should not be that of the institution that carried their risk. This addition may be interpreted as indicating that, in so far as accident insurance law did not positively discriminate against foreigners, it was desired that its privileges should be shared equally by both native and foreign operatives; and so would indicate that the Treaty favored more than an optional or supererogatory application of the principle of the equality of citizens and foreigners before the insurance laws of either country.

*Franco-British Accident Insurance Treaty. July 3, 1909.*

The span of two years intervened before another accident insurance Treaty was signed. This time it was between France

<sup>20</sup> E. B. X, (7-8), p. 197.



and the United Kingdom.<sup>21</sup> With the pronunciamiento that was its chief principle, we are quite familiar; *viz.*, that of the reciprocal accord of accident insurance to foreign laborers and assigns on the same terms as to citizens. The customary exception for employment of less than six months' duration on soil other than that of the undertaking's domicile was inserted including specifically the intermittent employment common to transportation service. Ratifications were exchanged Oct. 13, 1910, and the Decrees notifying the Convention's promulgation were published in France Oct. 28, 1910. In giving effect to this Treaty a British Order in Council stated that questions as to English liability for compensation to French citizens, or amounts of such indemnity, *etc.*, were to be adjudicated by the County Court. Certain conditions were prescribed by which the responsibility for the payment of insurance to French pensioners who had returned to France, was transferred from English to French authorities, that is from the jurisdiction of the County Court to the *Caisse nationale Francaise des Retraites pour la Vieillesse*. An arrangement subsequent, and giving effect, to the Treaty, between the British Secretary of State for the Home Department and the French Minister of Labor, provided that in case of periodic payments to a pensioner who went back to France to live, remittance by the County Court to such an insuree should be made every three months, the recipient providing each time a certificate from the Mayor of the Commune in which he lived, testifying that he was alive. The recipient was also to obtain, as often as the County Court required, a medical certificate specifying whether or not he still remained incapacitated. Such certificates were to be authenticated by a *visé* of the prefectoral administration which would attest the status of both the Mayor and the doctor concerned.

*Hungarian-Italian Accident Insurance Treaty. Sept. 19, 1909.*

The fundamental principle in the Hungarian-Italian accident insurance Treaty<sup>22</sup> of 1909 was the same as in the preceding Treaty. But a feature new to this class of treaties was the declaration that workmen, who coincident with employment outside of

<sup>21</sup> E. B. IV, (3), pp. 163-164.

<sup>22</sup> E. B. V, (1), pp. 1-3.



territory of either of the contracting countries suffered injury in the service of a business concern domiciled in one of them, were to be entitled to compensation under the compulsory insurance law of the concern's domicile, unless the insurance legislation of the country where the accident happened was found to cover the case. Dependents of injured parties were to receive compensation irrespective of their place of residence at the time of or after the accident. In case subjects resided in one country and drew pension from an institution of the other, means were provided, as in some former treaties, whereby the insurance company in question might transfer its obligation to the institution of the country where the pensioner resided. Moreover, documents exempt from fees when used in drawing pension in one State were to be favored similarly when used for the same purpose within the territory of the other.

Another distinctive feature, also new to treaties of this class, had to do with the creation of a Court of Arbitration in case the pact gave rise to litigious differences. Such a Court was to be instituted upon demand of one of the parties, each State choosing as arbitrators two subjects of its own who would select a presiding officer from some third power. The State in which to convene the Court in the first instance would be determined by agreement and thereafter automatically by the principle of alternation. The precise spot for court proceedings would be designated and made ready by the State selected. These provisions could be varied if the States agreed to carry on the proceedings in writing. Upon application of the Court to the Government, recourse might be had to the authorities of either State for the serving of summons or letters of request in accordance with the customs of Civil Court proceedings. Seven years were to elapse before the Treaty could be denounced, and thereafter withdrawal could in no case be effected until Dec. 31st of the year following that in which warning was given. Certain other provisos were also included to the end that defeasance should not work injustice to those who had become pensioners when the Treaty was in force.

*Franco-Italian Pact. June 10, 1910.*

We have seen that in consequence of the Franco-Italian Treaty of April 15, 1904, which established a system of monetary trans-

fer to operate between the French National Savings Bank and the Post Office Savings Bank of Italy, various other agreements in execution of principles therein stated were subsequently entered upon; *viz.*, the agreement of Jan. 20, 1906 governing the transference of deposits between ordinary French and Italian savings banks; that of June 9, 1906 regulating compensation for industrial accidents; and now that of June 10, 1910 in protection of young workers of either country employed within the other.<sup>28</sup> Thus despite the critic's animadversion of its hypothesizing tendencies, the Franco-Italian Convention of 1904 has demonstrated that the spinning of theories even on the part of treaties may after all constitute a road to their actual realization in law.

Shortly after the conclusion of the Treaty in 1904, France had proposed a basis upon which to formulate measures protecting in the manner suggested the young workers of both countries; and Italy, considerably disturbed about the employment of young Italians in French glass works, agreed to dispatch a representative to enter into negotiations with reference to the French proposals. The negotiations extended over the years 1905-1909 and finally culminated in the agreement of 1910, by which young Italians desiring to work in France and young Frenchmen desiring to work in Italy were obliged to obtain the necessary employment book through compliance with regulations which were in general as follows: The young person in question accompanied by a parent or guardian produced before a consul of his government the employment book issued by his own country. If he was under fifteen years of age, the consent of his legal protector had to be conveyed in a duly legalized document and deposited at the consulate. When the consular certificate duly certified and bearing the applicant's photograph had thus been procured, he could obtain the requisite employment book from the Mayor or proper communal authority of the foreign State wherein he desired to labor. Where children between the ages of twelve and thirteen were concerned, additional certificates were required, particularly, the French elementary school certificate or the Italian certificate prescribed by Act of July 15, 1877. (No. 3961.)

At the very beginning of the negotiations over the agreement

<sup>28</sup> E. B. V. (4), pp. 329-332.

five years previous, Italy had requested that Italian children under fifteen be denied employment books by French authorities; but inasmuch as French children were admitted to work at the ages of twelve and thirteen, the authorities could not see their way clear to make special exceptions in favor of Italian children. Moreover such action would be extraneous to what was contemplated by the Treaty of 1904, which had merely stated that the nature of the documents and forms of the certificates required for presentation to consular and mayoral offices should be determined and properly inspected, and that committees of protection should be organized. The French authorities promised, however, to introduce into the Treaty such measures as would adequately protect young Italian employees, especially those in unhealthy occupations such as the manufacture of glass. Some of its protective measures relating to children under fifteen have been mentioned. The following clauses of the Treaty in further extension of the protective principle are worthy of complete citation: "Employment in unhealthy and dangerous trades shall be regulated by the law in force in the country where the work is performed. In the case of glass and crystal works, dangerous and unhealthy operations which, at the date of the signing of this agreement, may not lawfully be performed by young persons in Italy, shall not be lawfully performed by young persons in France, and reciprocally.

"In view of the fact that the age of protected persons is not identical under the French Act of 2nd November, 1892, and the Italian Act of 10th November, 1907, the Decrees issued in both countries in pursuance of their respective Acts shall specify the age of persons whom it shall not be lawful to employ in the operations in question.

"The two Governments shall use their best endeavors to introduce uniformity in the age of protected persons by means of internal regulations. With this object they shall, if necessary, promise an international Agreement within the meaning of S 3 of the Convention of April 15, 1904."

Various documents and certificates that might be issued from time to time in pursuance of the Treaty were to be exempt from fees in conformity to the law of both countries and their preparation by consular authorities was to be without charge to the young



## THE INTERNATIONAL PROTECTION OF LABOR

persons concerned. A strict inspectorate with confiscation of all employment books or certificates irregularly issued was also required, together with the record of all such confiscations. Finally in fulfillment of that contemplated by the Treaty of 1904, protective committees were to be organized in large industrial centers, including in their membership as many of the young workers' fellow countrymen as possible and giving gratuitous service. The enforcement of the law in general and of Acts particularly specified, the detection of its violation or any malfeasance in respect thereto, and the reporting of the same to proper authorities were to be within the province of the committees' supervision. The Treaty was to remain in force five years, and if not denounced six months previous to the conclusion of that period, it would continue to be binding for another five-year period, and so on. This is an important feature and is certainly conducive to much greater stability and certainty in international relations than in the cases where treaties may be denounced from year to year.

### *Franco-Italian Arrangement, August 9, 1910.*

Within a short time Italy and France concluded another agreement growing out of the Treaty of 1904. This arrangement<sup>24</sup> prescribed conditions under which the beneficiaries of persons, whether Italians or Frenchmen, could draw their pensions from institutions of the country in which they lived, although the pension had been originally acquired from an institution of the other country.

### *German-Swedish Treaty Contemplating Workmen's Insurance. May 2, 1911.*

A Treaty of Commerce and Navigation<sup>25</sup> between Germany and Sweden imitated the example of the Swiss-Italian and German-Italian Treaties of 1904, wherein workmen's insurance became an object of contemplation for the parties concerned, in relation to the question of according equal advantages to the sub-

<sup>24</sup> Mahaim—*Le Droit international ouvrier*, Annexe V, p. 328.

<sup>25</sup> E. B. VII, (11-12) p. cv.



jects of either party laboring within the boundaries of the other. While seeming to contemplate a broader field than accident insurance only, the praiseworthy ends presented by these Treaties had not up to this time (1911) been realized between any of the parties to them, even in the wellbeaten path of accident insurance understandings.

*Franco-Danish Treaty. Aug. 9, 1911.*

An entirely new type of Treaty made its appearance in the series we are considering, Aug. 9, 1911, called the Franco-Danish Treaty of Arbitration.<sup>26</sup> It provided that differences of a judicial character arising out of the interpretation of treaties were, in default of settlement by diplomatic channels, to be submitted to arbitration at The Hague, except in cases that affected the independence, honor, or vital interest of either of the contracting States, or the interest of third powers; which means, as we pointed out with reference to the proposal of the Portuguese Delegation at The Hague, that either party can reserve from adjudication at The Hague anything it pleases.

But the Franco-Danish Treaty contains the earnest of an advance to higher ground in these particulars. Four classes of questions are by it entirely excluded from any appeal to the reservation above remarked; in other words, the contracting States agreed that under all circumstances certain questions should, as a last resort, automatically become subject to arbitration at The Hague. Of these classes thus made the subjects of compulsory arbitration, the last two are of particular interest to us:

"(3) Interpretation and application of the stipulations of the Convention relating to trade and navigation.

"(4) Interpretation and application of the stipulations of the Convention relating to the matters hereunder indicated:

"Industrial property, literary and artistic property, international private right as regulated by the Hague Conventions, international protection of workers, posts and telegraphs, weights and measures, sanitary questions, submarine cables, fisheries, measurement of ships, white slave trade."

<sup>26</sup>2E. B. VI, (3), pp. 229-230.

The disagreements relating to No. 4 and subject to judicial authority under territorial law, were to await the decision of national jurisdiction before they were referred to arbitration, and awards of the arbitration tribunal were not to affect previous judicial decisions; but the contracting parties agreed to take measures on occasion to bring about the adoption of the arbitrator's interpretation by the State tribunals. Thus while the Arbitral Tribunal was precluded from annulling the decisions of national tribunals, its decisions were to be looked up to as a standard by which to unify diverse principles of judicial interpretation obtaining within the judicatures of the two countries. Should the parties disagree as to whether a difference belonged to the category of disputes to be submitted to compulsory arbitration, the Treaty invested the Arbitral Tribunal with authority to decide; or, should the parties be unable to reach a compromise, after a year's notification by one of them authority would vest in the Permanent Court to establish such a compromise. The Convention would renew itself for five-year periods under tacit consent.

*Swedish-Danish Sick Funds Compact.*

Another novel international arrangement<sup>27</sup> was that entered into in the same year (1911) between *Sveriges Allmänna Sjukkasseförbund* ("Swedish General Association of Sick Funds") and *De samverkande danske centralforeninger af Sjukkasson* ("United Central Associations of Sick Funds of Denmark"), terminable after one year's notice by either party. This agreement, entirely unofficial, made it possible for a member of Sick Funds in one Association, changing his residence to the country of the other, to become immediately a member of the Sick Funds there, wholly unhampered by any requirement of entrance fee, age, state of health, period of waiting, etc. After Dec. 31, 1911, persons who joined Sick Funds after their fortieth birthday, would not become entitled to this privilege of transfer. The Association with which a constituent cancelled his connection was relieved of all liabilities of the case, and the withdrawer became subject to any special conditions governing the Sick Funds to which he

<sup>27</sup> E. B. VII, (11-12) p. cv.

transferred his membership. Annual reports were to be exchanged between the Associations, specifying all Sick Funds, belonging to either organization, that were parties to the agreement. Any serious differences arising between such Sick Funds of the two countries were to be resolved by the chief organizations of each, or as a last appeal, by the Sick Funds Inspector of the country to which membership had been transferred. Jan. 1, 1912 was set as the date for the agreement to take effect.

*Draft for Spitzenbergen Convention. Jan. 26, 1912.*

A draft <sup>28</sup> under date of Jan. 26, 1912 for an international Convention in respect of labor at Spitzenbergen laid down rules under which employers were to enter into a written contract with each workman; and, in case of sickness, accord to the laborer proper attendance free of charge. In case of accident the employer, beside complying with the foregoing requirement was to pay an indemnity. Another equally salutary stipulation, unusual to drafts for international conventions, and evidently based on the principle that an ounce of prevention is worth a pound of cure, was the prohibition of the sale of alcoholic beverages to the worker by or on behalf of the employer.

*German-Belgian Accident Insurance Treaty. July 6, 1912.*

Approximately six months after the date of this proposal,<sup>29</sup> Belgium and Germany entered into an accident insurance Treaty<sup>30</sup> that complemented insurance legislation of the two States in 1903 and 1906 respectively. Except for State or transportation undertakings, enterprises domiciled within one country and extending their sphere of operation into the other were to become subject to the accident insurance laws of the country where operations were carried on, provided compulsory accident insurance obtained for the category of establishments in question

<sup>28</sup> *Bulletin of the International Labor Office.* IX, (8-10) p. 319.

<sup>29</sup> For another Convention of something of this character signed (Oct. 20, 1906) by England and France concerning the recruitment of native laborers in the New Hebrides, see *E. B.* II, (3) pp. 345-350.

<sup>30</sup> *E. B.* VIII, (2), pp 47-49.

in both States. We recognize that this agreement is of the same type as the German-Netherlands Treaty. With slight variations, the general exception met with in most of these treaties held good for this; that is, for the first six months of operation in territory of the foreign State, undertakings would be subject to the insurance legislation of the home State in so far as concerned employees who had been previously attached to the works when functioning in the home State. In calculating the period of operation outside the country of domicile with reference to a series of works carried on concurrently or successively, the time would be reckoned from the beginning of the first to the termination of the last of such works; but should an interval of over thirty days elapse between the completion of one operation and the commencement of the next, a new period of six months would begin for the operation in question.

Certain State undertakings were to be subject in all cases to the accident insurance regulations of the home State, while, as provided in the German-Netherlands Treaty, the staff of the traveling portions of transportation enterprises were to be protected in all cases by the insurance laws of the home State. Actions for civil liability connected with accidents were to occur under the law of the country whose legislation on compensation applied in the case. The agreement contained the usual stipulations relative to engaging the mutual assistance of authorities in execution of the laws of one State within the other, including exemptions from stamp duties, the intermediacy of consular agencies, the establishment of a standard by which to express value in different systems of coinage, *etc.* Notice of its discontinuance might be given at any time; at the end of the year following such notice, the Treaty would be terminated. The documents ratifying the Treaty were exchanged on 10th January, 1913.

*German-Italian Accident Insurance Treaty. July 31, 1912.*

Less than a month after the conclusion of the German-Belgian Treaty, the most comprehensive insurance Treaty<sup>31</sup> yet drawn up was signed by the representatives of Germany and Italy. Thus

<sup>31</sup> E. B. VIII, (3-4), pp. 99-103.



the suggestions of the German-Italian Treaty of 1904 at last materialized, and on an unprecedented scale; for the departments of this Treaty were distinct and four in number, including:

- I. Accident Insurance.
- II. Invalidity, Old Age and Survivors' Insurance.
- III. General Provisions.
- IV. Final Provisions (in part, contemplating future conventions).

The part devoted to accident insurance was another repetition of the principle of the equality of foreigners and citizens before the law of the country in which they labored. The agreement held good for Italian Accident Insurance of agricultural laborers only in case they were insured according to the Italian Act of Jan. 31, 1904. A person might vacate his right to pension by accepting a lump sum equal to three times the amount of his annuity; if the insurers preferred to make over to a pensioner a capital sum equivalent to the value of, and in lieu of, his periodic pension, the insuree was obliged to accept.

The provisions of Part II dealing with invalidity, old age and survivors' insurance were more complicated. It should be remembered in this connection that contributions for the purchase of insurance in German institutions were derived in part from employers as well as from employees, and that not only was insurance compulsory, but it extended its benefits under certain conditions even to Germans working outside their State; *e.g.*, in Italy. Contributions for and in behalf of Italian subjects to the German Invalidity and Survivors' Insurance were to be equal to payments for German subjects, even if the Italians were enrolled at the same time in an institution of their own land; *viz.*, *Cassa Nazionale di Previdenza per la invalidita e per la vecchiaia degli operai*, or *Cassa Invalidi della Marena Mercantile*. An Italian thus doubly enrolled might demand that half of the money used to purchase his insurance in the German institution be paid, in his behalf, by the German insurer to the Italian Fund; in which case the Italian subject or his assigns could claim insurance from the Italian institution only. For claims arising previous to the application for transfer, the German institution would stand liable. Italians might also transfer to their own national institutions additional

voluntary insurance bought under German law. Military duty in Italy was to be reckoned as the equivalent of such duty in Germany under the insurance law of the latter. Differences in the insurance legislation of the two States rendered many stipulations of the Treaty applicable to only one of the parties to it.

The subjects of Germany in Italy were privileged to enroll as members of the Italian National Provident Fund upon an equal footing with Italian subjects save for certain exceptions specified. Such a German insurree could require the refund by the Italian institution of all payments made to it in his behalf, should he leave Italy before the contingency of insurance arose. Italian employers paying premiums to the Fund for workmen of their own nationality were obligated to do the same for German workers. The fundamental principle governing the insurance of Germans in the Mercantile Marine Invalidity Fund of Italy was the same as for the other Fund. If a German drawing pension from either Fund voluntarily situated his home beyond Italian territory, his policy lapsed upon his receipt of a payment triple the amount of his annuity. Should the German leave the country upon the order of Italian authorities, his pension would not suffer suspension, although it might be terminated by the process of triplication; but if his departure were in consequence of conviction for crime, his pension would be forfeited.

Part III of the Treaty, declarative of general provisions after the order of treaties already studied, enjoined that mutual assistance be accorded by the authorities of each body politic in all matters concerned with the execution of the law; that exemptions from stamp duties and fees, decreed by one country for its own administration, were to be extended to the administration within its confines of the insurance laws of the other; and that the proper consular authorities were always to be notified of the conclusion of an inquiry into an accident relevant to insurance proceedings. Also for the purpose of taking evidence or serving legal papers in foreign jurisdiction, arrangements were contemplated whereby the assistance of the consular authorities of either country might be invoked.

There were also stipulations heretofore unknown to this class of treaties. For the administration of German insurance within

Italy, the latter was to send to the German Government a list of the names of Italian doctors, hospitals, *etc.* suitable for medical treatment of injured Germans, besides also seeing to it that expenses in connection with these individuals and institutions should not become excessive.

Part IV, entitled "Final Provisions," was of the order of resolutions that looked toward future agreements, which we have discovered to be sometimes condemned and frequently made light of as insufficiently practical; but in view of the offspring which they now can boast, we are justified in lending them for a few moments at least our careful and respectful attention. The signatories considered a future convention enlarging the scope of this agreement so as to include agricultural insurance, when such a system should be introduced in Italy as might be deemed equivalent to German Agricultural Accident Insurance. Likewise they looked forward to the conclusion of a convention placing their respective subjects upon the same footing with respect to invalidity, old-age, and survivors' insurance, when Italy in this phase of insurance had evolved an organization equal to that of Germany.

The date for the Treaty's coming into force was April 1, 1913; it could be denounced at any time and would cease to be valid at the end of the year following such notice. Ratifications were exchanged at Berlin March 25, 1913, and six days later there appeared in Germany official notifications with reference to special measures to be pursued in execution of certain of its articles and paragraphs.

#### *German-Spanish Accident Agreement Respecting Sailors.*

An accident contract<sup>32</sup> respecting sailors was concluded between Germany and Spain by an exchange of Diplomatic Notes on Nov. 30, 1912 and Feb. 12, 1913. By this agreement, if a Spanish sailor on board a German ship met with an accident in a German port, or was brought to a German port after the accident, German officials were to notify the competent Spanish consul; similar procedure was obligatory if the port was non-Ger-

<sup>32</sup> E. B. VIII, (6-7), p. 247.



man; and if the port was Spanish and at the same time a chief town of a province the civil Government or else the Alcade was to be notified. In case the accident occurred on the high seas, it was incumbent upon the German Consul to notify, if possible, the proper authorities within twenty-four hours from the moment the ship entered a Spanish port. By interchanging the words "Spanish" and "German" reciprocal action was specified for a German injured in the employ of a Spanish ship, except that in the clause last referred to in the agreement, the last two words; *viz.*, "Spanish port" seem to have been retained in the reciprocal rephrasing of the clause instead of inserting the naturally expected words "German port."

*Treaty Between Italy and the United States. Feb. 25, 1913.*

By reason of the fact that the prerogatives of labor legislation have inhered principally in the individual commonwealths of the American Republic rather than in congressional legislation, and because constitutional tradition upholding the theory of the partibility of sovereignty has been very jealous of what is known as "state's rights" in contradistinction to national centralization of authority, the liberty that the United States might otherwise have felt free to exercise in matters pertaining to international agreements in protection of labor has been greatly lessened. An example of about the best we have done thus far in the way of a protective labor Treaty is the agreement signed between Italy and the United States under date of Feb. 25, 1913 in amendment of an old Treaty of Commerce and Navigation of Feb. 26, 1871. The principle clause of the late agreement<sup>33</sup> is as follows:

"The citizens of each of the High Contracting Parties shall receive in the States and Territories of the other the most constant security and protection of their persons and property and for their rights, including that form of protection granted by any State or national law which establishes a civil responsibility for injuries or for death caused by negligence or fault, and gives to relatives or heirs of the injured party a right of action which shall not be restricted on account of the nationality of said relatives or heirs; and shall enjoy in this respect the same rights and privi-

<sup>33</sup> E. B. VIII, (9-10), p. 363.



leges as are or shall be granted to nationals, provided that they submit themselves to the conditions imposed on the latter."

There is comparatively little federal law in America, other than that covering federal employees or employees engaged in interstate commerce, that may be termed distinctively protective labor law. As an example of such law we may note that the use of white phosphorus in the manufacture of matches has been effectively prevented through a statute prohibiting the importation or exportation of matches containing the substance, and levying a prohibitive tax upon such matches.<sup>34</sup> At the same time state laws are very diverse and in many instances very deficient, which is a situation that cannot continue indefinitely if we are to maintain a place in the sphere of industrial legislation compatible and comparable with the dignity of our social and political position in the world.

*Franco-Swiss Insurance Agreement. Oct. 13, 1913.*

In the same year (1913) France and Switzerland entered into an understanding<sup>35</sup> to prevent Frenchmen or foreigners working on French soil and regularly employed by the Swiss Federal Railroads from becoming subject to the old-age insurance systems of both France and Switzerland. The legislation of the two countries was dissimilar, but the agreement dissipated the difficulties which had arisen by stipulating that such employees on French soil might be insured in the Swiss system in place of the French; but if not insured in either, they were obliged to take out protection according to the terms of French law.

As a side light upon the compulsory old-age insurance of railroad employees obtaining in both France and Switzerland, it is worthy of note that by an Act of July 21, 1909,<sup>36</sup> France compelled the great railway lines to insure all employees in a retiring pension scheme, to which contributions were made by the railway companies and by means of deductions from the salaries of the employees. The scope of old-age pension in France was extended

<sup>34</sup> *United States Statutes at Large* (1911-1913), Vol. 37, Part I, p. 81. Chap. 75.—An Act to provide for a tax upon white phosphorus matches, and for other purposes.

<sup>35</sup> *E. B.* IX, (3), p. 61.

<sup>36</sup> *E. B.* IV, (4) pp. 302-305.

by an Act of April 5, 1910,<sup>37</sup> entitling to its benefits employees of both sexes in industry, agriculture, commerce, and the liberal professions, servants, state employees not insured in civil or military systems, and employees of Departments and communes. It was in general a compulsory system with support derived from state subsidies, contributions of employers, and either compulsory or voluntary contributions of insured parties according as the case might require. Foreign laborers came within the terms of its requirements without benefit of employers' contributions or budgetary subventions except as reciprocity treaties with other countries might provide for such privileges.

*Italian-German War Arrangement. May 12-21, 1915.*

The following clause explains an agreement<sup>38</sup> between Italy and Germany after the outbreak of the World War; and just before Italy's Declaration of War upon Austria-Hungary (May 23, 1915). "The subjects of either of the two States shall continue to enjoy the benefits provided in the laws in force in the other country in the matter of social insurance. The power to take advantage of the rights in question shall not be restricted in any manner."

\* \* \*

There are certain principles which in general are common to these international agreements covering insurance, particularly accident insurance. In brief they stipulate for:

(1) Equality of treatment of foreigners and citizens working in the same country, before the insurance law of that country.

(2) An exception for the first six months of an establishment's operation on foreign soil, during which the insurance laws of the State of its domicile apply.

(3) Inclusion of transportation lines in the above exception.

(4) Mutual aid in the administration of the laws of one country within the territory of the other.

(5) Reciprocal grant of special exemptions in the administration of the insurance law of one State within the territory of the other (usually, to the effect that special advantages and exceptions incident to the insurance legislation of one State shall apply

<sup>37</sup> E. B. V, (4) pp. 361-375.

<sup>38</sup> E. B. XI, (6-7), p. 181.

to the administration within its territory of the insurance law of the other).

(6) Denunciation of the Treaty to take effect one year after notice; (or, as sometimes stated, at the expiration of the year following the denunciation).

(7) Notification of the inquiry into an accident to the proper consular authority, (frequently, under the condition that such notification be tendered immediately, upon the conclusion of the inquiry, to the consul in the district where the injured party resided at the time of the accident.)

(8) Facilities by which insurance acquired by individuals in a foreign country may be paid to them through institutions of their own country.

(9) A forecast of possible treaties of the future.

The foregoing treaties on accident insurance may be roughly classified in groups according to the above principles. Treaties completely characterized by principle No. 9 in so far as relates to workmen's insurance are the Swiss-Italian (1904), the German-Italian (1904), the German-Austro-Hungarian (1905), and the German-Swedish (1911). The same is true of the Franco-Italian Treaty (1904) in so far as it relates to accident insurance.

A group of agreements providing in general that firms operating in the territory of the other country less than six months are to be subject to the accident insurance law of the country of operation, are the German-Luxemburg Treaty (1905) to which principles 2-3-4-5 apply, the German-Netherlands Treaty (1907) to which principles 2-4-5-6 are applicable, and the German-Belgian Treaty (1912) to which apply the same principles 2-4-5-6.

The category to which belong the largest number of treaties, is distinguished by a precise declaration of the principle that, in respect of compensation for accidents, subjects of either party working in the territory of the other are to enjoy equal privileges with the citizens of the land in which they labor. This group in which are all of the following treaties, may be further subdivided. To the Belgian-Luxemburg Treaty (1905), the Franco-Luxemburg Treaty (1906), and the Franco-Belgian Treaty (1906), principles 1-6 inclusive apply, covering also principle 7 in the case of the last-named Treaty; by the Franco-Italian agree-

ment (1906), the Hungarian-Italian agreement (1909), and the German-Italian agreement (1912), principles 1-4-5-6-7-8 are clearly stated, including No. 9 in the instance of the German-Italian Treaty. The Franco-British Treaty (1909) contains principles 1-2-3-4-6-8.

Much however that is not stated in a treaty in so many words may be enacted in pursuance of its interpretation by a protocol or by administrative authorities. Moreover, the existence of other law may make unnecessary a statement of principle that would otherwise occur. Therefore, if an insurance treaty does not formally specify that subjects of both countries are to be treated equally in respect of the insurance law of either, it is patent that the omission of itself constitutes no proof that the principle is not applied by the parties in question. Thus we find Germany by virtue of her national legislation applying various phases of this principle in her treatment of laborers of Belgium and Luxemburg within her territory, although her accident insurance Treaties with these countries do not make any statement specifically to this effect,



APPENDIX I.

Labor Law Internationally Adopted.



## CONTENTS

### APPENDIX I.

#### Labor Law Internationally Enacted.

Exhibit.	Page.
1. Draft of an International Convention Respecting the Prohibition of the use of White (Yellow) Phosphorus in the Manufacture of Matches (1905) .....	174
2. Draft of an International Convention Respecting the Prohibition of Night-Work for Women in Industrial Employment (1905) ....	174
3. International Convention Respecting the Prohibition of Night-Work for Women in Industrial Employment (September 26, 1906)	175
4. International Convention Respecting the Prohibition of the use of White (Yellow) Phosphorus in the Manufacture of Matches (September 26, 1906) .....	178
5. Convention Between France and Italy (April 15, 1904).....	180
6. Agreement, Concluded on the 9th June, 1906, Between France and Italy, Relating to Compensation for Injuries Resulting from Industrial Accidents .....	184
7. Agreement, Concluded on 10th June, 1910, Between France and Italy, Relating to the Protection of Young Persons of French Nationality Employed in Italy and <i>Vice Versa</i> .....	189
8. Treaty of Commerce Between Switzerland and Italy (July 13, 1904) Extract .....	194
9. Treaty of Commerce Between the German Empire and Italy, (December 3rd, 1904) Extract .....	195
10. Treaty of Commerce Between the German Empire and Austria-Hungary, (Jan. 19, 1905) Extract.....	195
11. Treaty on Accident Insurance Between the Grand-Duchy of Luxemburg and Belgium, (April 15, 1905) .....	195
11a. Supplementary Convention Between Luxemburg and Belgium, (May 22, 1906) .....	197
12. Treaty on Insurance Between Germany and Luxemburg, (Sept. 2, 1905) .....	197
13. Franco-Belgian Treaty Relating to Compensation for Injuries Resulting from Industrial Accidents, (Feb. 21, 1906).....	200

# CONTENTS (Continued)

Exhibit	Page
13a. Note, Dated 12th March, 1910, in Pursuance of the Convention Respecting Compensation for Injuries Resulting from Industrial Accidents, Concluded at Paris on the 21st February, 1906 Between France and Belgium .....	201
14. (German Empire) Notification to Repeal Provision of the Accident Insurance Acts in Favor of the Grand-Duchy of Luxemburg, (May 9, 1905) .....	202
15. Convention Between France and Luxemburg Relating to Compensation for Injuries Resulting from Industrial Accidents, (June 27, 1906) .....	203
16. Treaty Between the German Empire and the Netherlands Relating to Accident Insurance, (August 27, 1907) .....	205
16a. Supplementary Treaty Between the German Empire and the Netherlands, (May 30, 1914) .....	208
17. Convention Signed at Paris the 3rd day of July, 1909, Between France and the United Kingdom .....	208
18. Agreement Between Hungary and Italy Respecting Accident Insurance, (Sept. 19, 1909) .....	210
19. Treaty of Commerce and Navigation Between the German Empire and Sweden, (May 2, 1911) Extract.....	215
20. Franco-Danish Treaty of Arbitration, (Aug. 9, 1911).....	215
21. Convention Between the German Empire and Belgium in Regard to Insurance Against Industrial Accidents, (July 6, 1912) .....	217
22. Convention Between the German Empire and the Kingdom of Italy with Respect to Workmen's Insurance, (July 31, 1912).....	221
23. Agreement Between the German Empire and Spain Concerning the Reciprocal Communication of Accidents to Spanish Sailors on German Ships and of German Sailors on Spanish Ships (Concluded by Exchange of Diplomatic Notes on 30th of Nov., 1912, 12 February, 1913) .....	227
24. Treaty Between Italy and the United States, Amending the Treaty of Commerce and Navigation Concluded 26th February, 1871 (Feb. 25, 1913) .....	228
25. Agreement Between France and Switzerland Relating to Pensions to be Granted to Members of the Staff of the Swiss Federal Railroads Employed on French Territory (Oct. 13, 1913).....	229



## EXHIBITS

## EXHIBIT I.

### *Draft of an International Convention Respecting the Prohibition of the Use of White (Yellow) Phosphorus in the Manufacture of Matches (1905)*

Article 1.—Beginning with January 1, 1911, the importation, manufacture, or sale of matches containing white (yellow) phosphorus shall be prohibited.

Art. 2.—The records of ratification shall be deposited not later than December 31, 1907.

Art. 3.—The Government of Japan shall be invited to declare its adhesion to the present Convention before December 31, 1907.

Art. 4.—The Convention shall take effect on condition of the adhesion of all the States represented at the conference and of Japan.

(Translation: *G. B.—Bulletin des Internationales Arbeitsamtes*, Bd. IV, p. 1.)

## EXHIBIT 2.

### *Draft of an International Convention Respecting the Prohibition of Night-Work for Women in Industrial Employment (1905).*

Article 1.—The industrial night-work of all women shall be prohibited, save for the exceptions hereafter stated:

The Convention shall apply to all industrial enterprises which employ more than ten men and women workers; it shall not apply in any case to undertakings in which only members of the family are engaged.

It shall be incumbent upon each of the contracting parties to define just what is meant by the term "industrial enterprises." In any case the same shall include mines and quarries, as well as manufacturing industries; the line of demarcation between industry on the one hand and agriculture and commerce on the other shall be specified by the legislation of each State.

Art. 2.—The night-rest contemplated in the preceding article shall be of at least eleven consecutive hours' duration. In these

eleven hours must be included in every State the interval from 10 p. m. to 5 a. m.

However, in the States in which the industrial night-work of adult female employees is not now regulated, the duration of uninterrupted rest may, by way of transition and for a period of not more than three years, be limited to ten hours.

Art. 3.—The interdiction of night-work may be suspended:

1. In cases where there occurs in an enterprise an interruption of work, impossible to foresee and nonperiodic in character caused by natural forces;

2. In cases where the occupation involves materials susceptible of very rapid deterioration, when night-work shall be required in order to save such materials from inevitable destruction.

Art. 4.—In the industries subject to the influence of the seasons, and in every industry in case of exceptional circumstances, the period of unbroken night-rest may be reduced to ten hours on sixty days in the year.

Art. 5.—The records of the ratification of the Convention must be deposited by December 31, 1907, at the latest.

The Convention shall come into force three years from the date of the deposition of the ratifications.

That interim shall be ten years:

1. For manufactories of raw beet sugar;
2. For wool combing and weaving;
3. For open mining operations suspended at least four months in the year because of climatic conditions.

(Signed at Bern on 16th May, 1905.)

(Translation: *Ibid.*, pp. 1-2.)

### EXHIBIT 3.

*International Convention Respecting the Prohibition of Night-Work for Women in Industrial Employment*  
(Sept. 26, 1906).

Article 1.—Night-work in industrial employment shall be prohibited for all women without distinction of age, with the exceptions hereinafter provided for.

The present Convention shall apply to all industrial under-

takings in which more than ten men or women are employed: it shall not in any case apply to undertakings in which only the members of the family are employed.

It is incumbent upon each contracting state to define the term "industrial undertakings." The definition shall in every case include mines and quarries and also industries in which articles are manufactured and materials transformed: as regards the latter, the laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

Art. 2.—The night rest provided for in the preceding article shall be a period of at least 11 consecutive hours; within these 11 hours shall be comprised the interval between 10 in the evening and 5 in the morning.

In those states, however, where the night-work of adult women employed in industrial occupations is not as yet regulated, the period of uninterrupted rest may provisionally, and for a maximum period of three years, be limited to 10 hours.

Art. 3.—The prohibition of night-work may be suspended—

(1) In the cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a periodic character.

(2) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night-work is necessary to preserve the said materials from certain loss.

Art. 4.—In those industries which are influenced by the seasons, and in all undertakings in the case of exceptional circumstances, the period of the uninterrupted night rest may be reduced to 10 hours on sixty days of the year.

Art. 5.—It is incumbent upon each of the contracting states to take the administrative measures necessary to ensure the strict execution of the terms of the present Convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present Convention, as well as the periodical



reports on the manner in which the said laws and regulations are applied.

Art. 6.—The present Convention shall only apply to a colony, possession or protectorate when a notice to this effect shall have been given on its behalf by the Government of the Mother Country to the Swiss Federal Council.

Such Government when notifying the adhesion of a colony, possession or protectorate shall have the power to declare that the Convention shall not apply to such categories of native labour as it would be impossible to supervise.

Art. 7.—In extra-European states, as well as in colonies, possessions or protectorates, when the climate, or the condition of the native population shall require it, the period of the uninterrupted night rest may be shorter than the minima laid down in the present Convention provided that compensatory rests are accorded during the day.

Art. 8.—The present Convention shall be ratified and the ratifications deposited with the Swiss Federal Council by December 31, 1908, at the latest.

A record of this deposit shall be drawn up of which one certified copy shall be transmitted to each of the contracting states through the diplomatic channel.

The present Convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for the coming into operation of the present Convention is extended from two to ten years in the case of—

1. Manufactories of raw sugar from beet.
2. Wool combing and weaving.
3. Open mining operations, when climatic conditions stop operations for at least four months every year.

Art. 9.—The states non-signatories to the present Convention shall be allowed to declare their adhesion to it by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting states.

Art. 10.—The time limits laid down in Article 8 for the coming into force of the present Convention shall be calculated in the case of non-signatory states as well as of colonies, possessions or protectorates, from the date of their adhesion.

## THE INTERNATIONAL PROTECTION OF LABOR

Art. 11.—It shall not be possible for the signatory states, or the states, colonies, possessions or protectorates who may subsequently adhere, to denounce the present Convention before the expiration of twelve years from the date on which the record of the deposit of ratification is closed.

Thenceforward the Convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession or protectorate, by the Government of the mother country. The Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting states.

The denunciation shall only be operative as regards the state, colony, possession or protectorate, on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present Convention.

Done at Berne this twenty-sixth day of September, nineteen hundred and six, in a single copy, which shall be kept in the archives of the Swiss Confederation, and one copy of which, duly certified, shall be delivered to each of the contracting states through the diplomatic channel.

(E. B.—*English Bulletin of the International Labor Office*, Vol. I, (4-8), pp. 273-275).

### EXHIBIT 4.

*International Convention Respecting the Prohibition of the Use of White (Yellow) Phosphorus in the Manufacture of Matches (Sept. 26, 1906).*

(1) The High Contracting Parties bind themselves to prohibit in their respective territories the manufacture, importation, and sale of matches which contain white (yellow) phosphorus.

(2) It is incumbent upon each of the contracting states to take the administrative measures necessary to ensure the strict

execution of the terms of the present Convention within their respective territories.

Each Government shall communicate to the other through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present Convention, as well as the reports on the manner in which the said laws and regulations are applied.

(3) The present Convention shall only apply to a colony, possession or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

(4) The present Convention shall be ratified, and the ratifications deposited with the Swiss Federal Council by December 31, 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting states through the diplomatic channel.

The present Convention shall come into force three years after the date on which the record of the deposit is closed.

(5) The states non-signatories to the present Convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting states.

The time limit laid down in Article 4 for the coming into force of the present Convention is extended in the case of the non-signatory states, as well as of their colonies, possessions or protectorates, to five years, counting from the date of the notification of their adhesion.

(6) It shall not be possible for the signatory states, or the states colonies, possessions or protectorates who may subsequently adhere, to denounce the present Convention before the expiration of five years from the date on which the record of the deposit of ratification is closed.

Thenceforward the Convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the

Swiss Federal Council by the Government concerned, or, in the case of a colony, possession or protectorate, by the Government of the mother country; the Federal Council shall communicate the denunciation immediately to the Governments of each of the contracting states.

The denunciation shall only be operative as regards the state, colony, possession or protectorate on whose behalf it has been notified.

In witness whereof the Plenipotentiaries have signed the present Convention.

Done at Berne this twenty-sixth day of September, Nineteen hundred and six, in a single copy which shall be kept in the archives of the Swiss Federation, and one copy of which duly certified shall be delivered to each of the contracting powers through the diplomatic channel.

(*Ibid*, pp. 275-276.)

#### EXHIBIT 5.

##### *Convention Between France and Italy (April 15, 1904).*

The President of the French Republic and His Majesty the King of Italy desiring by international agreement to insure to workers reciprocal guarantees analagous to those which treaties of commerce have provided for the products of labor and particularly;

(1) To secure to their subjects working in the foreign country, the enjoyment of their savings and to procure for them the benefit of social insurance, and

(2) To guarantee to workers the maintenance of protective measures and to co-operate for the advancement of labor legislation, have resolved to conclude a convention to that effect and have named for their plenipotentiaries, *etc.* . . . .

Article 1.—Negotiations shall be entered into at Paris after the ratification of the present Convention for the conclusion of arrangements based on the principles hereafter stated and designed to regulate the detail of their application, exception being made for the Arrangement relative to the State Savings Bank of France



and the Postal Savings Bank of Italy contemplated in paragraph (a) below, which shall be annexed to the Convention.

(a) The funds deposited as savings, either in the State Savings Bank of France or the Postal Savings Bank of Italy, can, on demand of the interested parties, be transferred without charge from the one to the other bank, each of the banks applying to the deposits thus transferred the general rules which it applies to deposits made in it by its own nationals.

A law of transfer, on a corresponding basis may be established between the different private savings banks of France and Italy, having their domicile in large industrial centers or in frontier towns. Without requiring absolute gratuity of transfer, this law shall stipulate for the co-operation of the Post Office either gratuitously or at reduced rates.

(b) The two governments shall facilitate, through the medium both of the Post Office and the National Funds, the payment of insurance premiums of Italians resident in France to the National Provident Fund of Italy, and of Frenchmen residing in Italy to the National Pension Fund of France. They shall facilitate, likewise, the payment in France of pensions acquired, either by Italians, or by Frenchmen, to the National Fund of Italy, and reciprocally.

(c) The admission of manual workers and other employees of Italian nationality to old-age and perhaps invalidity insurance, in the general system of labor pensions now under consideration of the French Parliament, as well as the participation of laborers and employees of French nationality in the system of workingmen's pensions in Italy, shall be regulated immediately after the passage of legislative provisions in the contracting countries.

The part of the pension corresponding to the deposits of the worker or employee or to deductions from his wage shall accrue to him in full.

As to the part of the pension corresponding to the contribution of the employer an arrangement shall be made upon the principle of reciprocity.

The part of the pension which will be eventually derived from State subsidies shall be left to the estimate of each State and

paid from its funds to its nationals having acquired a pension in the other country.

The two contracting States shall facilitate through the medium both of the Post Office and their insurance Funds the payment in Italy of pensions acquired in France, and reciprocally.

The two governments shall study a special system for the acquisition of pensions by workers and employees who have worked successively in the two countries during minimum periods to be determined without fulfilling in either of the two the conditions required for workmen's pensions.

(d) The workers and employees of Italian nationality injured in France by reason or at the instance of their labor, and also their representatives resident in France, shall be entitled to the same indemnities as Frenchmen, and reciprocally.

The Italian beneficiaries of annuities ceasing to reside in France as well as dependants of the injured parties who were not resident in France at the time of the accident, shall be entitled to pensions to be determined. The capital sums equivalent to the actuarial value of the benefits in accordance with a scale annexed to the Arrangement, shall be deposited in the National Provident Fund of Italy to be applied by it as a guarantee of the payment of the annuity. The Italian National Accident Insurance Fund shall likewise insure French employers according to a conventional scale, against their liabilities to representatives not being resident in France, of injured Italian workmen, if such employers desire to be relieved from the obligation of making inquiries and all other similar proceedings. Equivalent advantages shall be reciprocally guaranteed to French workmen injured in Italy.

(e) The admission of Italian workmen and employees in France to insurance institutions or relief funds against unemployment subsidized by the State, and the admission of French laborers and employees in Italy into similar institutions shall, in case of the passage of legal provisions relative to these institutions in both countries, be thereafter regulated.

(f) The arrangements provided for in the present article shall be concluded for a period of five years. The contracting parties must give notice one year in advance, if it is their in-

tention to terminate the agreement upon the expiration of that period. In the absence of such notice, the arrangement shall be extended from year to year, for a period of one year, by tacit renewal.

Art. 2. (a)—In order to avoid errors or false declarations the two governments shall define the character of the documents to be presented to Italian Consulates by young Italians engaged to work in France, as well as the form of the certificates to be furnished by the said Consulates to the Mayoral offices before delivering to children the employment books prescribed by child-labor legislation. The labor inspectors shall require the presentation of the certificates upon each visit and shall confiscate employment books wrongfully possessed.

(b) The French government shall organize Protection Committees including among their members as many Italians as possible in industrial regions where a large number of young Italians not living with their families are employed through middlemen.

(c) The same measures shall be adopted for the protection of young French workers in Italy.

Art. 3.—In case the initiative shall be taken by one of the two contracting States, or by one of the States with whom they maintain diplomatic relations, to convoke an international conference of various governments with the object of bringing about uniformity by means of conventions in certain provisions of protective labor laws, the adhesion of one of the two Governments to the proposal of the Conference shall entail upon the other Government a response favorable in principle.

Art. 4.—At the moment of signing this Agreement the Italian Government engages to complete the organization throughout the whole kingdom, and more particularly in those regions where industry is developed, a factory inspection system operating under the authority of the State, and affording, for the application of the laws, guarantees analagous to those which the factory inspection system of France presents.

The inspectors shall enforce the observance of the laws in force on the work of women and children, and especially the provisions which relate to—

## THE INTERNATIONAL PROTECTION OF LABOR

1. The prohibition of night-work;
2. The age of admission to work in industrial shops;
3. The length of the workday;
4. The obligation of weekly rest.

The Italian Government engages to publish an annual detailed report on the application of the laws and regulations relative to the work of women and children. The French Government assumes the same obligation.

The Italian Government furthermore declares that it intends to apply itself to the study and gradual realization of the progressive reduction of the length of the workday of women in industry.

Art. 5.—Each of the two contracting parties reserves to itself the option of denouncing at any time the present Convention and the Arrangements provided by Article 1, by giving notice one year in advance, if there is evidence that the legislation relative to work of women and children has not been respected by the other party, in the matters specified in Article 4 paragraph 2, in default of adequate inspection, or by reason of sufferances contrary to the spirit of the law, or in case the legislature shall diminish the protection decreed in favor of labor in respect of the same points.

Art. 6.—The present Convention shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

In witness whereof, the plenipotentiaries have signed the present Convention and affixed their seals thereto.

Drawn up in duplicate at Rome, April 15, 1904.

(Translation: *Archives diplomatiques*, 1904, t. 92, p. 1269-1274.)

N. B. Part II of this Convention relates to the transfer of funds deposited in the Savings Banks of the two countries.

### EXHIBIT 6.

*Agreement, Concluded on the 9th June, 1906, Between France and Italy, Relating to Compensation for Injuries Resulting From Industrial Accidents.*

(1) Italian workmen or employees who meet with accidents arising out of or in the course of their employment on French



territory, or their representatives, shall have the same rights to compensation as French workmen or employees, or their representatives, and *vice versa*.

(2) The same rule shall apply, subject to the conditions contained in the following articles, to claimants who were not residing within the territory of the country where the accident happened at the time when it occurred, or who subsequently ceased to reside therein.

(3) If an accident is followed by an inquiry, notice of the conclusion of the inquiry shall be given immediately to the consular authority of the district within which the injured workman was living at the time when the accident occurred, in order that the said authority may take note of the inquiry in the interests of the claimants.

(4) Employers and insurers in either country shall have the right to pay installments of benefit or compensation due through the agency of the consular authority, contemplated in the preceding article, of the other country. The said authority shall produce the papers of identity and life certificates, and also make provision for forwarding instalments of benefit or compensation to subjects of his country residing within his district at the time of the accident.

(5) The Italian National Accident Insurance Fund shall insure French employers, on the model scale appended to this agreement, against their liabilities to representatives, not being resident in France, of injured Italian workmen, if such employers desire to be relieved from the obligation of making inquiries and other proceedings.

The proper authorities of the two countries shall revise this provisional scale as soon as possible in the light of statistical data to be collected hereafter.

(6) If an employer or insurer has made provision with the French National Old Age Pensions Fund for pensions to Italian workmen or their representatives, payment of such pensions shall, at their request, be made to them through the Italian National Workmen's Disablement and Old Age Provident Fund. In this case the French National Fund shall settle with the Italian

Fund by forwarding every quarter the amount of the pension claims which would have been payable in France.

In the case of benefits, the rate of which is definitely fixed, the French National Fund may settle with the Italian National Fund by depositing a capital sum equivalent to the actuarial value of the benefit in accordance with the scale on which the same has been acquired; this deposit shall be devoted to the purchase of an annuity in accordance with the scale in force for the Italian National Fund at the time.

(7) If an employer or insurer has deposited with the Italian National Provident Fund compensation due to French workmen, the Fund shall, on application, forward to them by money order (*mandat postal*) the amount which would have been payable in Italy.

In the case of benefits the rate of which is definitely fixed, the Fund may discharge its liabilities by depositing with the French National Pension Fund a capital sum equivalent to the actuarial value of the benefit in accordance with the scale on which the same has been acquired; this deposit shall be devoted to the purchase of an annuity in accordance with the scale in force for the French National Fund at the time.

Compensation falling due for fatal accidents incurred by French workmen in Italy may be deposited in the form of a lump sum with the French Deposit Fund (*Caisse des dépôts et consignations*), which shall hold the amount at the disposal of the interested parties on their claim being proved.

(8) The money orders contemplated in the first paragraph of Article 7, and sums forwarded by the National Pension Fund to the Italian National Provident Fund, or reciprocally, shall take the form of office orders (*mandats d'office*) under the conditions set forth in Article 5 of the agreement relating to the transfer of deposits between the ordinary savings banks of the two countries.

(9) The two national funds shall always reserve the right to amend their respective scales in the future.

(10) Exemption from taxes and any financial advantages granted by French law to documents which have to be presented

in order to obtain compensation, shall apply equally in cases where the documents in question are required for the payment of compensation under Italian law, and *vice versa*.

(11) If an Italian workman, not resident in France, fails to receive the compensation to which he is entitled, and if he applies to the Guarantee Fund established by French law, the duties devolving, in connection with such applications, upon the municipal authorities, shall be fulfilled, on his behalf, by the Italian consular authorities in Paris, under conditions to be determined by the authorities concerned in the two countries.

(12) Each of the two contracting parties reserves the right, in the case of *force majeure*, or of urgent circumstances, to suspend the terms of this agreement, wholly or in part, in so far as it concerns the respective functions of the national funds of the two countries. Notice of suspension shall be given, through diplomatic channels, to the proper authorities of the other State.

The notice shall fix the date after which the regulations relating to the said functions shall cease to have effect.

(13) The proper authorities of the two countries shall agree together upon the proofs to be furnished in the cases contemplated in Articles 4, 5, 6, 7, and the conditions under which the said articles shall apply to injured workmen or their dependants not residing either in France or Italy.

They shall at the same time draw up detailed rules and regulations necessary for the execution of this agreement.

(14) This agreement shall come into force on a day to be agreed upon by the two States after its promulgation in accordance with their respective laws.

Except in the case contemplated in the Convention of 15th April, 1904, this agreement shall remain in force for five years. The two contracting parties shall be mutually bound to give one year's notice of their intention to terminate the agreement at the conclusion of this period. In the absence of such notice, the agreement shall be renewed from year to year, for the term of one year, by tacit consent.

(15) If one of the two contracting parties shall have announced its intention of withdrawing from the agreement, the

agreement shall continue to have full force, as far as concerns the rights of injured persons or their representatives, against their employers in respect of all accidents occurring before the expiration of the agreement. Notwithstanding, it shall cease to have effect on its expiration as far as concerns the duties devolving upon the consular authorities and the obligations or functions of the National Funds of the two countries, except as regards the settlement of accounts then current, and the distribution of annuities, the capital value of which they may have received previously.

SCHEDULE.

	Annual Premiums of Insurance payable in respect of each 1,000 frs. paid in Wages.
Industrial Undertakings in general.....	4.98
Mines .....	12.36
Quarries .....	10.02
Brick Works .....	4.62
Iron and Steel Works.....	3.50
Metal works (other than iron and steel), Scientific instruments, musical instruments.....	1.14
Metal works (other than iron and steel).....	0.96
Scientific instruments .....	1.38
Chemical industries .....	4.26
Gas and water .....	3.30
Building operations .....	6.96
Special for chimney-sweeping.....	5.82
State railways .....	7.72
Private railways .....	6.54
Street railways (An economic and legal classification peculiar to Germany, corresponding to the ordinary division of industries into great, medium and small)	4.20
Freight, warehousing, cartage.....	9.84
Cartage .....	14.46
Inland navigation.....	18.30
(E. B. 11, (I), pp. 2-4).	



EXHIBIT 7.

*Agreement Concluded on 10th June, 1910, Between France and Italy Relating to the Protection of Young Persons of French Nationality Employed in Italy and Vice Versa.*

(1) The provisions of the Agreement are concerned with the provisions of the French Act of 2nd November, 1892, on the one hand, and with the provisions of the Italian Act of 10th November, 1907 (Codified Text), Text *E. B.*, II, p. 578, on the other hand, and their object is to better secure the protection of young people of Italian nationality in France and of young people of French nationality in Italy.

Except in so far as concerns the alternative elementary school certificate contemplated in Sect. 4, and regardless of the special penalties hereinafter provided, all the provisions of the aforesaid French Act and, in particular, the provisions relating to age and penalties shall apply to young persons of Italian nationality employed in France. Reciprocally, the provisions of the aforesaid Italian Act shall apply to young persons of French nationality employed in Italy.

(2) In order to obtain an employment book contemplated in the Acts of 2nd November, 1892, and 10th November, 1907, or in any subsequent enactments regulating the granting of employment books in either country, young persons of Italian nationality in France and young persons of French nationality in Italy must produce to the Communal Authority a certificate conformable to the prescribed model (Schedule A) issued by the Consul concerned. Notwithstanding, such certificate shall not be required in the case of young persons of Italian nationality whose birth is registered in the French civil registers, nor in the case of young persons of French nationality whose birth is registered in the Italian civil registers.

Both in France and Italy it shall be unlawful for a Mayor to issue an employment book, unless the Consul's certificate is produced to him, bearing a photograph of the owner of the certificate stamped on the certificate itself by the Consul, or signed by the owner of the certificate in the presence of the Consul. The Mayor shall attest the certificate, seal it with the Communal

Seal, and attach it to the employment book as an integral part of the same.

Every Consul shall keep a register of the Consular certificates issued by him, showing the forenames, surname, sex, age and place of birth, of each young person concerned, and the date when and the grounds on which the certificate was issued. Every Consul shall, at the end of each year, send in to the French Ambassador at Rome or the Italian Ambassador at Paris, as the case may be, statistics of, and a report on, the certificates entered in the register. The Ambassadors shall forward the documents in question to the Authorities concerned in their respective countries.

Every Mayor shall keep a register of the employment books issued by him, showing the forenames, surname, sex and age, of each young person concerned, the date of the Consular certificate and the date when the employment book was issued.

(3) In order to obtain a Consular certificate, a young person must come before the Consul, accompanied by his father, mother or guardian, and must produce his employment book obtained in his country of origin.

He may also be accompanied by any other relative of full age or by the person who desires to employ him. Notwithstanding, in either case if he has not yet completed the fifteenth year of his age, he must produce a document, duly legalised, giving the consent of the person who possesses legal authority over him. The document in question shall be deposited at the Consulate.

In the event of the young person being unable to produce an employment book issued to him in his country of origin he may instead produce his birth certificate or a certificate of birth conformable to the prescribed model (Schedule B) and a certificate of identity attested by two of his compatriots known to the Consul. Nothing in this paragraph shall affect any written consent contemplated in the foregoing paragraph.

(4) With regard to the employment in France of children between twelve and thirteen years of age, the certificate prescribed in the Italian Act of 15th July, 1877 (No. 3961), may be produced in lieu of the elementary school certificate prescribed in the French Act of 28th March, 1882. Similarly in the case of

French children between twelve and thirteen years of age employed in Italy, the certificate prescribed in the French Act may be produced in lieu of the certificate prescribed in the Italian Act. Such certificates shall not be required in the case of young persons of Italian nationality in France or young persons of French nationality in Italy who have completed the thirteenth year of their age.

In order to make use in France of an Italian school certificate a young person must produce it to the Italian Consul, in addition to the documents specified above in Sect. 3, and a note to that effect shall be entered in the Consular certificate (Model A). Reciprocally, the same formalities shall be complied with in Italy when it is desired to make use of a French certificate.

(5) The documents in pursuance of which the Consular certificate is granted, and which are returnable to the persons concerned, shall be stamped by the Consul with a special stamp (ink stamp), stating that they have been used to obtain a certificate authorising their owner to commence work.

(6) Consular certificates (Model A), certificates of birth (Model B), and the documents giving the consent of the parents, shall be exempt from all duties and fees, conformably to the provisions of the law of both countries respecting employment books and the documents required in order to obtain the same.

The preparation of documents and all official transactions, correspondence or legalisation of documents, incumbent upon the Consular Authorities, in pursuance of this Agreement, shall be undertaken without any charge to the young persons of Italian or French nationality concerned.

(7) The employer shall preserve the employment book during the whole continuance of the employment of the young person in question, and it shall be returnable on the termination of his employment.

The Labour Inspectors and the representatives of the Judicial Police shall, when visiting industrial establishments, examine all employment books and Consular certificates, and shall confiscate any which are found to have been issued in an irregular manner, or to be in the possession of any young person other than the persons in respect of whom they were issued.

Notice of confiscation conformable to Model C shall be sent

within three days to the Prefect, who, within the same term, shall forward the notice to the Consul in whose jurisdiction the commune in which the employment book was confiscated is situate. The Consul shall send a copy of this notice, together with a letter conformable to Model D, to all his Italian colleagues in France or his French colleagues in Italy, in order that they may be kept informed, in case of need, of the confiscation of employment books and certificates. Every Consul or Consular agent shall keep a register of confiscated employment books and certificates.

Persons found to have falsified, altered, transferred or unlawfully made use of an employment book shall be dealt with by the the Judicial Authorities.

(8) Employment in unhealthy and dangerous trades shall be regulated by the law in force in the country where the work is performed. In the case of glass and crystal works, dangerous and unhealthy operations which, at the date of the signing of this Agreement, may not lawfully be performed by young persons in Italy, shall not be lawfully performed by young persons in France, and reciprocally.

In view of the fact that the age of protected persons is not identical under the French Act of 2nd November, 1892, and the Italian Act of 10th November, 1907, the Decrees issued in both countries in pursuance of their respective Acts shall specify the age of persons whom it shall not be lawful to employ in the operations in question.

The two Governments shall use their best endeavours to introduce uniformity in the age of protected persons by means of internal regulation. With this object they shall, if necessary, promote an international Agreement within the meaning of Sect. 3 of the Convention of 15th April, 1904.

(9) The two Governments shall organise in the large industrial centres Protection Committees, whose services shall be gratuitous, and which shall, as far as possible, be composed of compatriots of the young persons in question. The Sub-Prefect, or a Prefectorial Councillor, the Mayor of the commune where the Committee acts, and the Labour Inspector of the commune



on the one hand, and the Consul on the other, shall be *ex-officio* members of the Committee.

Within six months after the ratification of this Agreement at least one Committee shall be constituted in every French district (*Arrondissement*) where more than fifty young persons of Italian nationality are employed.

These Committees shall supervise:

(1) The strict enforcement of the Laws and Orders relating to the employment of young persons of Italian or French nationality. For this purpose they shall inform the Labour Inspectors of all contraventions of which they become aware, and, in particular, of cases where young persons are employed in work beyond their strength;

(2) The strict observance: in France, of the requirements respecting the granting of certificates of fitness contemplated in Sect. 2, paragraphs 3, 4, and 5 of the Act of 2nd November, 1892; in Italy, of the requirements respecting medical certificates contemplated in Sect. 2 of the Act of 10th November, 1907, and respecting the conditions for the recognition of fitness prescribed by Order in pursuance of the said Act;

(3) The application to children of Italian nationality and their relations of the provisions of the French Act of 28th March, 1882, respecting compulsory elementary education, and the application to children of French nationality and their relations of the provisions of the Italian Act of 15th July, 1877.

The Committees, with the assistance of the Authority concerned, and subject to the requirements of the law of the country in question, shall also see that young persons lodged elsewhere than with their families, are properly and humanely treated, and that all hygienic and moral requirements are observed in their case. In cases where the conditions of feeding, clothing or housing are found to be defective, and in case of rough or bad treatment, the Committees shall put the matter before the local Authorities, who shall act according to the circumstances of the case.

Finally, these committees may, when necessary, extend their protection to all Italian workmen in France and to all French workmen in Italy, irrespective of age.

## THE INTERNATIONAL PROTECTION OF LABOR

(10) The Authorities concerned in both countries shall issue simultaneously the Orders and Regulations which they may consider necessary for the execution of this Agreement.

(11) It is understood that the Consular agents may undertake all the operations entrusted to Consuls in pursuance of this Agreement.

(12) This Agreement shall in both countries be submitted to Parliament for approval. It shall be ratified and come into operation one month after the exchange of ratifications, which shall take place at Paris. It shall remain in force for five years, and if it is not denounced six months before the conclusion of this period, it shall be renewed for another period of five years, and so on thereafter.

(Schedules: Models A, B, C and D.)

(E. B. V, (4) pp. 329-332.)

### EXHIBIT 8.

*Treaty of Commerce Between Switzerland and Italy*  
(July 13, 1904).

#### (Extract)

Article 17.—The contracting parties engage to examine by common and amicable consent the treatment of Italian laborers in Switzerland and of Swiss laborers in Italy in regard to Workmen's Insurance, with the aim of securing by suitable arrangements to the workmen of each nation respectively, working in the territory of the other, a treatment which shall accord to them as far as possible equivalent advantages.

These arrangements shall be sanctioned by a separate act independent of the coming into force of the present treaty.

(Translation: L. Chatelain, *La protection internationale ouvrière*, p. 193.)

EXHIBIT 9.

*Treaty of Commerce Between the German Empire and Italy*  
(December 3, 1904).

(Extract)

Art. 4.—The contracting parties engage to examine by common and amicable consent the treatment of Italian laborers in Germany and of German laborers in Italy in regard to Workmen's Insurance, with the aim of securing by suitable arrangements to the workmen of each nation respectively, working in the territory of the other, a treatment which shall accord to them as far as possible equivalent advantages.

These arrangements shall be sanctioned by a separate act independent of the coming into force of the present treaty.

(Translation: *Ibid.*, p. 194.)

EXHIBIT 10.

*Treaty of Commerce Between the German Empire and Austria-Hungary* (January 19, 1905).

(Extract)

Art. 6.—The contracting parties engage to examine by amicable agreement the treatment of the workmen of each party, working in the territory of the other, in respect of the protection of labor and Workmen's Insurance, with the object of insuring reciprocally to these workers by suitable arrangements, a treatment which shall accord to them as far as possible equivalent advantages.

These arrangements shall be sanctioned by a separate act independent of the coming into force of the present treaty.

(Translation: *Ibid.*, p. 198.)

EXHIBIT 11.

*Treaty on Accident Insurance Between Grand-Duchy of Luxemburg and Belgium* (April 15, 1905).

Article 1.—Luxemburg workers meeting with industrial acci-

dent in Belgium, and likewise their dependents, shall enjoy the same compensation and the same guarantee of compensation as Belgian subjects.

Reciprocally, Belgian workers meeting with industrial accident in the Grand-Duchy of Luxemburg, and likewise their dependants, shall enjoy the same compensation and guarantees as Luxemburg subjects.

Art. 2.—An exception to the foregoing rule shall be made in case of persons without distinction of nationality, who are working temporarily, that is not over six months, on the territory of that one of the two contracting States in which the accident occurred, but for an undertaking domiciled within the territory of the other State. In such case only the legislation of the latter State shall apply.

Art. 3.—The stipulations of Art. 48, No. 2, and of Art. 49, paragraph 4, of the Luxemburg law of April 5, 1902 are suspended in favor of subjects of Belgian nationality.

Art. 4.—The stipulations of Art. 1, 2 and 3 of this Treaty shall apply to those persons who are considered equivalent to workers by the laws on industrial accident insurance of the two contracting States.

Art. 5.—The exemptions allowed as regards stamp and court fees, and the gratuitous delivery stipulated for by the legislation of Luxemburg relating to industrial accidents, are herewith extended to proofs, certificates and documents contemplated by this legislation which have to be drawn up or delivered in execution of the Belgian law.

Reciprocally, the exemptions allowed by the Belgian legislation are hereby extended to proofs, certificates and documents contemplated by this legislation which have to be drawn up and delivered in execution of the Luxemburg law.

Art. 6.—The authorities of Luxemburg and Belgium shall lend each other mutual assistance with a view to facilitating reciprocally the execution of the law relating to industrial accidents.

Art. 7.—This Treaty shall be ratified and the ratifications exchanged at Brussels as soon as possible.

It shall come into force ten days after it has been published in the two countries in accordance with the forms prescribed



by their respective laws; and it shall remain in force until the expiration of one year from the day of its denunciation by one of the two contracting parties.

In witness whereof the plenipotentiaries of both parties have signed the present Treaty and affixed their seals thereto.

Drawn up in duplicate at Brussels, April 15, 1905.

(Translation: *Bulletin des Internationalen Arbeitsamtes*. Bd. IV, S. 305-306.)

#### EXHIBIT IIA.

*Supplementary Convention Between Luxemburg and Belgium*  
(May 22, 1906).

(1) The provisions following shall be added as a second paragraph to No. 2 of the Convention of April 15, 1905:

"The above shall hold good for persons engaged in transport undertakings and occupied intermittently, but habitually, in countries other than that in which the principal establishment of the undertaking is domiciled."

(2) This additional Convention shall have the same force and hold good for the same period as the Convention of April 15, 1905.

It shall be duly ratified, and these ratifications shall be exchanged at Brussels as soon as possible. It shall come into force ten days after its publication in the forms prescribed by the laws of the two countries.

In witness thereof the Plenipotentiaries have signed this additional Convention, and have affixed their seals thereto.

Made and duplicated at Brussels, May 22, 1906.

(*E. B. I.*, (9-12), pp. 373-374.)

#### EXHIBIT 12.

*Treaty on Industrial Accident Insurance Between Germany and Luxemburg* (September 2, 1905).

Article 1.—Undertakings to which the compulsory accident insurance laws of the two States apply, with the exception of agricultural and forest works, and which are domiciled within the territory of one State and carry on operations temporarily

within the territory of the other, shall, in the absence of other agreements between the competent insurance carriers of the two countries approved by the German Chancellor and the Grand-Ducal Government of Luxemburg, be subject, in respect of persons employed in their temporary branches in the territory of the other State to the accident insurance legislation of the State where the undertaking's main office is situated. In the meaning of this agreement a temporary branch within the territory of the other State is one whose presumable duration will not exceed six months. For each separate branch within the territory of the other State the period of time shall be reckoned separately.

Persons thus temporarily employed include the traveling staff of transport lines who cross the borders on through trains and also persons who without change of their business domicile are deputed in urgent circumstance to serve as substitutes on railroads within the territory of the other State, for not over six months.

Art. 2.—In case of doubt as to whether according to the provisions of Article 1, the accident insurance laws of the one or the other State are applicable, and if the insurance carriers of the two countries cannot come to an agreement between themselves and with the managers of the undertaking, and in case of compensation proceedings with the party entitled to indemnity, the authorities of the State in which the undertaking in question carries on operations shall have exclusive and final authority to decide—that is to say in Germany, the Imperial Insurance Office, and in Luxemburg, the Government.

The decision rendered conformably to paragraph 1 is binding upon the insurers in the other State and serves as the rule, without retroactive effect, to be followed, particularly in matters pertaining to contributions and indemnities, and for the question as to whether the officials in the one or the other State are responsible for the final treatment of the case. Before the decision by one of the two parties designated in paragraph 1, a hearing is to be given to the insurance carriers concerned and to the employer, and in case compensation proceedings are involved, also to the claimant; the decision rendered is to be communicated to the parties concerned.

Art. 3.—If an accident occurs furnishing without doubt occasion for indemnity, and yet there is doubt as to whether the payment is to be made by the insurance carriers of the one or the other State, the underwriter first involved in the case conformably to the legal proceedings valid for him shall, in the meanwhile, take care of the entitled parties.

The final incidence of indemnity shall fall upon that underwriter who shall thereafter be designated as the party obligated to pay compensation.

Art. 4.—If in accordance with the principles of this agreement, single undertakings or branches of undertakings pass from the accident insurance jurisdiction of one country to that of the other, the change shall be effected at the end of the current year only. By agreement of the insurer of the two countries, the transfer with legal effect for all parties concerned can be reckoned from the time of the coming into force of the present agreement.

Obligations resulting from accidents before the time of transfer, must be met by that insurer by whom the undertaking responsible for the accident was insured before the time of the transfer.

Art. 5.—In the execution of the accident insurance laws, especially in the ascertaining of such industrial accidents as come under the accident insurance laws of the home State but occur in the territory of the other State, the competent officials and authorities shall lend mutual legal aid irrespective of their duty to investigate these accidents officially as soon as possible.

Art. 6.—The foregoing terms shall apply by analogy to official employees of the German Empire, of a German Federated State, or of a German province or district, who are employed in undertakings in which insurance is compulsory which are designated by Article 1 but who in place of being insured under the German system of accident insurance are entitled to accident benefit within the meaning of Sect. 7 of the German industrial accident insurance law.

In that case the authorities competent to make decisions conformable to Article 2, differ from those designated by that Article in that for imperial employees the Imperial Insurance Office is re-

placed by the Chancellor; and for the employees of the States, provinces and districts, by the central authorities of the particular States.

In cases when the German laws on accident relief apply, the provisions of these laws on the compensation of other accident claims under the German law, shall also apply to compensation claims made in pursuance of the laws of Luxemburg in respect of an accident occurring in Luxemburg.

Art. 7.—This Treaty shall come into force one month after its conclusion and it can be denounced by either party on January 1 of each year, with the same to take effect the first day of January of the year next following.

In witness whereof the plenipotentiaries of both parties have signed the present Treaty and affixed their seals thereto.

Drawn up in duplicate in Luxemburg, Sept. 2, 1905.

(Translation: *Bulletin des Internationalen Arbeitsamtes*, Bd. IV, S. 306-308.)

### EXHIBIT 13.

#### *Franco-Belgian Treaty Relating to Compensation for Injuries Resulting From Industrial Accidents (Feb. 21, 1906).*

(1) Belgian subjects meeting with industrial accidents in France, and likewise their dependants, shall enjoy the compensation and guarantees granted to French citizens by the legislation in force relating to compensation for industrial accidents.

Reciprocally, French subjects meeting with industrial accidents in Belgium, and likewise their dependants, shall enjoy the compensation and guarantees granted to Belgian citizens by the legislation in force relating to compensation for industrial accidents.

(2) Notwithstanding an exception to the rule shall be made if the persons in question were sent out of their own country temporarily, and occupied for less than the last six months on the territory of that one of the two contracting States where the accident occurred, but were taking part in an undertaking established within the territory of the other. In such case the persons interested shall have a right only to the compensation and guarantees provided by the legislation of the latter State.



The same rule shall apply to persons attached to transport undertakings, and employed intermittently, whether regularly or not, in the country other than that where the undertaking is domiciled.

(3) The exemptions allowed as regards stamps, records and registration, and the free delivery stipulated for by the Belgian legislation relating to industrial accidents, are hereby extended to proofs, certificates and documents contemplated by the legislation in question which have to be drawn up or delivered in pursuance of the French law.

Reciprocally, the exemptions allowed and free delivery stipulated for by the French legislation are hereby extended to proofs, certificates and documents contemplated by the legislation in question which have to be drawn up or delivered in pursuance of the Belgian law.

(4) The French and Belgian authorities shall lend each other mutual assistance with a view to facilitating reciprocally the execution of the laws relating to industrial accidents.

(5) The present Treaty shall be ratified and the ratifications exchanged at Paris as soon as possible.

The Treaty shall come into force in France and Belgium one month after it has been published in the two countries in accordance with the forms prescribed by their respective laws.

It shall remain in force until the expiration of one year from the day after it shall have been denounced by one or other of the contracting parties. In testimony whereof the respective plenipotentiaries have signed the present Treaty and affixed their seals thereto.

(E. B. I., (4-6), pp. 153-154.)

#### EXHIBIT 13A.

*Note, Dated 12th March, 1910, in Pursuance of the Convention Respecting Compensation for Injuries Resulting From Industrial Accidents, Concluded at Paris on the 21st February, 1906, Between France and Belgium.*

In the application of Article 4 of the said convention, the two signatory States agree that in case of an accident giving occasion

for an inquiry, notice of the termination of the said inquiry shall be given immediately to the consular authority of the district where the victim was residing at the time of the accident, in order that the authority in question may take note of the said inquiry in the interests of the interested parties.

This agreement shall not come into operation for three months after it is signed.

(E. B. VI, (1) p. 6.)

#### EXHIBIT 14.

*(German Empire) Notification to Repeal Provisions of the Accident Insurance Acts in Favor of the Grand-Duchy of Luxemburg (May 9, 1905).*

The Federal Council, at the sitting of the 4th of May, 1905, resolved as follows:

(1) The provisions of No. 94 (2) of the Industrial Accidents Insurance Act, and of No. 37, paragraph 1, of the Building Accidents Insurance Act, relating to the suspension of annuities in the case of foreigners whose usual residence is not in the interior, shall not apply to subjects of the Grand-Duchy of Luxemburg, even in cases when the annuitants do not usually reside within those districts of the Grand-Duchy of Luxemburg recognised by the resolution of the Federal Council adopted on the 13th October, 1900, as frontier districts within the meaning of the said provisions. (Cf. the Notification of the 16th October, 1900. *Zentralblatt für das Deutsche Reich*, p. 540.)

Notwithstanding, so long as an annuitant resides neither within the territory of the German Empire nor in the Grand-Duchy of Luxemburg, the right to draw an annuity shall depend upon his observing the past or future regulations issued for German subjects by the Imperial Insurance Office, in pursuance of No. 94 (3) of the Industrial Accidents Insurance Act. In respect of such annuities, the date of the coming into force of the regulations of the Imperial Insurance Office, dated the 5th July, 1901, shall be held to be the day when this resolution comes into force.

(2) The territory of the Grand-Duchy of Luxemburg shall be held to be a frontier district, so that the provisions of No.

21 of the Industrial Accidents Insurance Act, No. 22 of the Accident Insurance Act for Agriculture and Forestry, No. 9 of the Building Accidents Insurance Act, and No. 27 of the Marine Accidents Insurance Act, relating to the exclusion of claims for dependants' annuities in the case of dependants of foreigners not having their usual residence in the interior at the time of the accident, shall not apply to such dependants, if their usual residence is within the territory of the Grand-Duchy.

(3) The provisions of No. 21 of the Industrial Accidents Insurance Act and No. 9 of the Building Accidents Insurance Act, relating to the exclusion of claims for dependants' annuities, shall not apply to subjects of the Grand-Duchy of Luxemburg, even though their usual residence at the time of the accident was not within the territory of the Grand-Duchy of Luxemburg. (See No. 2 above.)

(4) The preceding provisions shall apply retrospectively from the 15th April, 1903, as far as concerns claims not legally settled at the time when the resolution comes into force.

(5) This resolution shall come into force on the 15th May, 1905.

(E. B. II, (1) pp. 1-2. See also E. B. I, (1-3) pp. V. I.)

#### EXHIBIT 15.

*Convention Between France and Luxemburg Relating to Compensation for Injuries Resulting From Industrial Accidents (June 27, 1906).*

(1) Subjects of the Grand-Duchy of Luxemburg meeting with industrial accidents in France and likewise their dependants, shall enjoy the compensations and guarantees granted to French subjects by the legislation in force relating to compensation for industrial accidents.

Reciprocally, French subjects meeting with industrial accidents in Luxemburg, and likewise their dependants, shall enjoy the compensation and guarantees granted to subjects of the Grand Duchy of Luxemburg by the legislation in force relating to compensation for industrial accidents.

(2) Notwithstanding, an exception to this rule shall be made if the persons in question were sent out of their own country temporarily, and occupied for less than the six months last past on the territory of that one of the two contracting States where the accident occurred, but were taking part in an undertaking established within the territory of the other. In such case the persons interested shall have a right only to the compensation and guarantees provided by the legislation of the latter State.

The same rule shall apply to persons attached to transport undertakings, and employed intermittently, whether regularly or not, in the country other than that where the undertaking is domiciled.

(3) The exemptions allowed as regards stamps, records and registration, and the free delivery stipulated for by the legislation of the Grand-Duchy relating to industrial accidents, are hereby extended to proofs, certificates and documents contemplated by the legislation in question which have to be drawn up and delivered in pursuance of the French law.

Reciprocally, the exemptions allowed and free delivery stipulated for by the French legislation are hereby extended to proofs, certificates and documents contemplated by the legislation in question which have to be drawn up and delivered in pursuance of the law of the Grand-Duchy of Luxemburg.

(4) The French authorities and the authorities of the Grand-Duchy of Luxemburg shall lend each other mutual assistance with a view to facilitating reciprocally the execution of the law relating to industrial accidents.

(5) The present Treaty shall be ratified and the ratifications exchanged at Paris as soon as possible.

The Treaty shall come into force in France and in the Grand Duchy of Luxemburg one month after it has been published in the two countries in accordance with the forms prescribed by their respective laws.

It shall remain in force until the expiration of one year from the day after it shall have been denounced by one or other of the contracting parties. In testimony whereof the respective plenipotentiaries have signed the present Treaty and affixed their seals thereto. Drawn up in duplicate at Paris, 27th June, 1906.

(E. B. 11, (1) pp 4-5).



EXHIBIT 16.

*Treaty Between the German Empire and the Netherlands Relating to Accident Insurance (Aug. 27 1907).*

(1) Undertakings to which the accident insurance laws of the two Contracting States apply and which are domiciled within the territory of one State and carry on business also within the territory of the other, shall, subject to the exceptions contemplated in Articles 2 and 3, be subject, in respect of business carried on within the territory of either State, exclusively to the accident insurance laws of that State.

Where, in accordance with the preceding paragraph, an undertaking carrying on business outside the territory of one State is subject to the insurance laws of the other, such undertaking shall be held to be an undertaking within the meaning of the said laws. Further regulations for the enforcement of the Treaty shall be drawn up independently by each State according to the needs of their respective systems of accident insurance.

In Germany the said regulations shall be drawn up by the Imperial Chancellor or an authority designated by him, and in the Netherlands by the department having authority for the time being. The regulations so drawn up shall be communicated to the two Governments.

(2) In the case of transport undertakings carrying on operations across the frontier, the accident insurance laws of the country where the undertaking is domiciled shall alone apply in respect of the travelling staff, regardless of the extent of the operations carried on in the two respective countries. The travelling staff shall remain subject to the said insurance laws also in respect of other classes of employment carried on on behalf of such transport undertakings outside their country of domicile.

(3) Persons employed in a department of any kind of undertaking where insurance is compulsory under the laws of their own country, shall, on being transferred to work in the other country, remain in respect of all branches of their employment in the said country, for the first six months of such employment,

subject exclusively to the accident insurance laws of the country where the firm is domiciled, provided that the rules contained in Article 2 shall not be affected hereby. If the employment in the said country is interrupted for a period not exceeding 30 days, such period shall be included in the six months' limit. If the period during which the employment is interrupted exceeds 30 days, the course of the six months shall be held to be broken off, and, on the resumption of employment in the said country, a new term of six months shall be held to begin. In applying the preceding rules, account shall not be taken of any period before this Treaty comes into force.

(4) Where the accident insurance laws of one country are applicable, the rules contained in such laws for proving claims thereunder in respect of accidents occurring outside the realm, shall apply, by analogy, to compensation claims made in pursuance of the laws of the other country in respect of an accident occurring in such country.

(5) In administering the accident insurance laws the proper authorities shall give each other mutual assistance in determining the facts of any case.

Where, in dealing with an accident insurance case, the authorities of one country deem it necessary to procure the sworn depositions of witnesses and experts in the other country, a request to this effect duly submitted through diplomatic channels shall be acceded to. The authorities instructed by the Government of the said country or having jurisdiction without such instructions shall summon the witnesses or experts by official action and, if necessary, use such means of compulsion as are prescribed in the case of similar proceedings in their own country.

(6) Rules in force in one country relating to exemptions from stamp duties and fees in the case of accident insurance business, shall apply by analogy in respect of the administration in such country of the accident insurance laws of the other.

(7) Manufacturers shall not be required to pay higher contributions or premiums in respect of the accident insurance of one country for the reason that their undertakings are domiciled in the other.

(8) The provisions of Articles 4-7 shall apply to undertakings subject to the accident insurance laws of one of the two countries, even in cases where the conditions set forth in Article I, do not obtain.

(9) The terms of this Treaty shall apply by analogy to those officials of the German Empire, of a German Federated State, or of a German group of parishes (Kommunalverband) who are employed in undertakings in which insurance is compulsory, but who are, notwithstanding, entitled to accident benefit within the meaning of German legislation, instead of being insured under the German system of accident insurance.

(10) Where, in administering the accident insurance laws of one country, it is necessary to calculate the value of wages expressed in terms of the currency of the other country, such conversion shall be affected by taking as a general basis an average rate of exchange, which shall be determined by each of the two Governments for the purposes of the administration of the law in their respective countries and which shall be communicated by each Government to the other.

(11) This Treaty shall be ratified and the ratifications exchanged as soon as possible. The Treaty shall come into force one month after the first day of the month following the exchange of ratifications.

Notice of withdrawal from the Treaty may be given by either party at any time, and the Treaty shall expire on the conclusion of the calendar year next following such notice.

Liabilities in respect of accidents occurring before this Treaty comes into force, shall continue thereafter to be fulfilled by the insurance institution wherein the branch in question of the undertaking was formerly insured. Similarly, on the expiration of this Treaty, liabilities in respect of accidents which occurred while the Treaty was in force, shall continue to be fulfilled by the previous insurance institution.

In witness whereof the plenipotentiaries have signed this Treaty in duplicate and set their seals thereto.

(E. B. II, (3) pp. 350-351.)

## EXHIBIT 16A.

### *Supplementary Treaty Between the German Empire and the Netherlands (May 30, 1914).*

(I) The following new Section shall be inserted between No. 3 and 4 in the Treaty of 27th August, 1907, respecting accident insurance, concluded between the German Empire and the Netherlands:

3a. Where, in pursuance of No. 1 to 3, the undertakings there designated are subject to the accident insurance of one of the parties to the Treaty, the persons employed in the undertakings shall be subject to the insurance even if they do not reside in the territory of the said party.

(II) The rule contained in the new No. 3a, contemplated in No. 1, shall apply to accidents which happened before the coming into force of the present Treaty, provided that no decision having the force of law has been issued in respect of such accidents either before or on the day when the Treaty comes into force.

(III) This Treaty shall be ratified by His Majesty the German Emperor and Her Majesty the Queen of the Netherlands, and the ratifications shall be exchanged as soon as possible.

The Treaty shall come into force on the fourteenth day after the exchange of ratifications.

(E. B. X, (7-8) p. 197.)

## EXHIBIT 17.

### *Convention Signed at Paris the 3rd Day of July, 1909, Between France and the United Kingdom.*

(I)—British subjects who meet with accidents arising out of their employment as workmen in France, and persons entitled to claim through or having rights derivable from them, shall enjoy the benefits of the compensation and guarantees secured to French citizens by the legislation in force in France in regard to the liability in respect of such accidents.

Reciprocally, French citizens who meet with accidents arising out of their employment as workmen in the United Kingdom of Great Britain and Ireland, and persons entitled to claim



through or having rights derivable from them, shall enjoy the benefits of the compensation and guarantees secured to British subjects by the legislation in force in the United Kingdom of Great Britain and Ireland in regard to compensation for such accidents, supplemented as specified in Article 5.

(2) Nevertheless, the present Convention shall not apply to the case of a person engaged in a business having its headquarters in one of the two Contracting States, but temporarily detached for employment in the other Contracting State, and meeting with an accident in the course of that employment, if at the time of the accident the said employment has lasted less than six months. In this case the persons interested shall only be entitled to the compensation and guarantees provided by the law of the former State.

The same rule shall apply in the case of persons engaged in transport services and employed at intervals, whether regular or not, in the country other than that in which the headquarters of the business are established.

(3) The British and French authorities will reciprocally lend their good offices to facilitate the administration of their respective laws as aforesaid.

(4) The present Convention shall be ratified, and the ratifications shall be exchanged at Paris, as soon as possible.

It shall be applicable in France and in the United Kingdom of Great Britain and Ireland to all accidents happening after one month from the time of its publication in the two countries in the manner prescribed by their respective laws, and it shall remain binding until the expiration of one year from the date on which it shall have been denounced by one or other of the two Contracting Parties.

(5) Nevertheless, the ratification mentioned in the preceding article shall not take place till the legislation at present in force in the United Kingdom of Great Britain and Ireland in regard to workmen's compensation has been supplemented, so far as concerns accidents to French citizens arising out of their employment as workmen, by arrangements to the following effect:

(a) That the compensation payable shall in every case be fixed by an award of the County Court.

## THE INTERNATIONAL PROTECTION OF LABOR

(b) That in any case of redemption of weekly payments the total sum payable shall, provided it exceeds a sum equivalent to the capital value of an annuity of £4 (100 fr.), be paid into Court, to be employed in the purchase of an annuity for the benefit of the person entitled thereto.

(c) That in those cases in which a lump sum representing the compensation payable shall have been paid by the employer into the County Court, if the injured workman returns to reside in France, or if the dependents resided in France at the time of his death or subsequently return to reside in France, the total sum due to the injured workman or to his dependants shall be paid over through the County Court to the *Caisse Nationale Francaise des Retraites pour la Vieillesse*, who shall employ it in the purchase of an annuity according to its tariff at the time of the payment; and further, that in the case in which a lump sum shall not have been paid into Court, and the injured workman returns to reside in France, the compensation shall be remitted to him through the County Court at such intervals and in such way as may be agreed upon by the competent authorities of the two countries.

(d) That in respect of all the acts done by the County Court in pursuance of the legislation in regard to workmen's compensation, as well as in the execution of the present Convention, French citizens shall be exempt from all expenses and fees.

(e) That at the beginning of each year His Majesty's principal Secretary of State for the Home Department will send to the *Department du Travail et de la pré Prevoyance sociale* a record of all judicial decisions given in the course of the preceding year under the legislation in regard to workmen's compensation in the case of French citizens injured by accident in the United Kingdom of Great Britain and Ireland.

(*E. B. IV*, (3) pp. 163-164. See also *E. B. VI*, (1) pp. 5-6; (2) p. 169; (4) pp. CXX-CXXI; *E. B. VII*, (7) pp. 298-299.)

### EXHIBIT 18.

*Agreement Between Hungary and Italy Respecting Accident Insurance (Sept. 19, 1909).*

(1) Workmen and employees, being Hungarian subjects, who

meet with accidents in occupations for which insurance is compulsory under the Italian Act, No. 51, dated 31st January, 1904 (codified text), and any later Acts amending the same, together with their dependants entitled to compensation, shall have a claim to the same treatment and compensation as Italian subjects under the said Italian Act (codified text) and any later Acts amending the same. On the other hand workmen and employees, being Italian subjects, who meet with accidents in occupations for which insurance is compulsory under the Hungarian Act No. XIX., of 1907, and any later Acts amending the same together with their dependants entitled to compensation, shall have a claim to the same treatment and compensation as that granted to Hungarian subjects for industrial accidents by the Hungarian Act No. XIX., of 1907, and any later Acts amending the same.

The mutual right contemplated in the preceding paragraph shall extend also to workmen and employees employed in occupations for which insurance is compulsory, by firms being domiciled or having permanent representation within the territory of one of the two States, who meet with industrial accidents when working outside the territory of both, unless the industrial accidents legislation in force in the State where the accident occurs applies to such workmen or employees.

Similarly, dependants of any such persons having met with an industrial accident shall have a claim to compensation even if at the time of the accident they were not within the territory of that one of the two States where the accident occurred.

In addition, compensation shall be paid to workmen or employees having met with industrial accidents who after the said accident return and live permanently in their own country.

The dependants of a workman or employee having met with an industrial accident shall receive compensation even if they have never resided within the territory of the State where the accident occurred, or if after residing there they betake themselves permanently to a foreign country.

(2) The proper authorities of one of the two States having in hand the investigation of an industrial accident sustained by a workman or employee belonging to the other State, shall forward a copy of the report on the investigation within eight days of the issue of the same, to the proper consular authorities of the place where the accident occurred.



(3) At the request of the Italian consular authorities the proper Hungarian authorities shall lend their assistance in determining whether in the case of a person residing in Hungary the conditions attached to the receipt of an annuity are satisfied, or whether any changes have been introduced likely to affect the amount of the compensation payable. The same shall apply on the other hand to Italian authorities in the event of a similar request on the part of the Austro-Hungarian consular authorities.

(4) Hungarian subjects awarded compensation in pursuance of sect. 1 of this agreement shall, if they are not resident in Italy, be bound to observe the regulations for such cases issued by the Italian institution concerned, and *vice versa*.

(5) An Hungarian institution which, in pursuance of Hungarian law is required to pay an annuity to an Italian subject resident in Italy may relieve itself of its obligation by paying to the proper Italian institution the capital corresponding to the annuity in question in accordance with the tariff of the latter in force at the time the payment is made. In such case the said Italian institution shall take over the payment of the annuity subject to such conditions and regulations as may be adopted in agreement with the Hungarian institution concerned.

On the other hand, an Italian institution which, in pursuance of the Italian Act, is required to pay an annuity to a Hungarian subject resident in Hungary, may relieve itself of its obligations by paying to the Hungarian institution concerned the capital corresponding to the annuity in question in accordance with the tariff of the latter institution in force at the time when the payment is made. In such case the said Hungarian institution shall take over the payment of the annuity subject to such conditions and regulations as may be adopted in agreement with the Italian institutions concerned.

The Hungarian institution concerned may, in addition, charge the proper Italian institution to pay out in its stead, to Italian subjects resident in Italy, annuities payable under the Hungarian Act, and *vice versa*. Such payments shall be made subject to such conditions and regulations as may be mutually agreed upon by the two institutions.



Agreements may also be come to by the Hungarian and Italian institutions concerned in reference to financial transactions carried on by post in connection with the payment of compensation.

(6) The Hungarian and Italian institutions concerned shall have power to vary the rules contained in sect. 4. They may also vary the tariffs contemplated in Sect. 5 of the Agreement, provided only that equality in the treatment of the subjects of the two States shall be maintained.

(7) In the preceding articles the Hungarian institution concerned shall mean the National Institution for the Maintenance of Invalid Workmen and for Insurance against Accident (*Országos Munkásbetegsegélyző és Balesetbiztosító Pénztár*) of Budapest or of Zagabria, according as the injured person belongs to the one or the other, and the Italian institution concerned shall mean the Italian National Workmen's Invalidity and Old Age Insurance Institution (*Cassa Nazionale italiana di previdenza per la invalidità a per la vecchiaia degli operai*).

(8) Any exemptions from taxes and fees and any other fiscal exemptions allowed by the laws of either of the two States in the case of documents relating to the drawing of compensation shall apply equally in cases where such documents are used in the other State for the drawing of compensation in pursuance of the laws there in force.

(9) Disputes which arise between the two States respecting the interpretation and application of this Agreement shall be referred to arbitration on the demand of one of the two States.

For every such dispute a Court of Arbitration shall be instituted as follows:—Each of the two States shall name two suitable persons, being its own subjects, as arbitrators; these shall agree amongst themselves as to the choice of a President belonging to a third friendly State. The two States reserve to themselves the right of nominating in advance and for a definite term the person who shall act as President in the end of any dispute.

The Court of Arbitration shall sit on the first occasion within the territory of the State chosen by agreement for the purpose; on the second occasion within the territory of the other, and so on, alternately in one or the other State. The State where the Court is to sit shall determine the place where the sitting shall be

held, and shall make arrangements for the rooms, employees and attendants necessary in connection with the work of the Court. The President shall preside in the Court. Resolutions shall be adopted by a majority. The two States shall agree in each separate case or once for all upon the procedure to be observed by the Court. In the absence of any such agreement the Court shall adopt its own procedure. The proceedings may, if neither of the two States object, be carried on in writing. In this case the provisions of the preceding paragraph may be varied.

As regards the serving of the summonses to appear before the Court of Arbitration and letters of request, the authorities of either State shall, on the application in that behalf of the Court to the Government concerned, lend their assistance in the same manner as they are in the habit of doing on the application of the Civil Courts of the country.

(10) This Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for at least seven years. On the conclusion of the term the Agreement may be set aside after notice at any time; notwithstanding, it shall remain in force after such notice until 31st December of the year following that when the notice was given.

Even after the said notice has been given this Agreement shall continue to apply without limitation to the claims of injured persons and their dependants to whom compensation is due from the institutions named in this Agreement in respect of industrial accidents occurring not later than 31st December in the year following that on which notice was given.

On the said date the power given to consular authorities and the rights and duties of the institutions in their mutual relations under this Agreement shall cease, except as regards the settlement of accounts outstanding between the institutions at the time and the payment of all those annuities for which they have been paid the capital value in advance.

(11) The provisions of sections 1 to 8 of this Agreement shall apply retrospectively back to 1st July, 1908.

(12) This Agreement shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

(*E. B. V.*, (1) pp. 1-3.)

EXHIBIT 19.

*Treaty of Commerce and Navigation Between German Empire and Sweden (May 2, 1911).*

(Extract)

"The contracting parties undertake to examine by amicable arrangement the question of the treatment of Swedish workers in Germany and German workers in Sweden in respect of Workmen's Insurance, with the object of securing to the workmen of either country, in the other, by means of agreements adapted to that end, treatment which gives them as far as possible equal advantages.

Such arrangements shall be made by special agreement, and quite apart from the coming into force of the present treaty."

(E. B. VII, (11-12) p. cv.)

EXHIBIT 20.

*Franco-Danish Treaty of Arbitration (Aug. 9, 1911).*

(1) Differences of a judicial character, and especially those relating to the interpretation of the Treaties existing between the two contracting parties which might hereafter arise between them, and which it had been found impossible to arrange by diplomatic methods, shall be submitted to arbitration under the terms of the Convention for the pacific settlement of international disputes, signed at The Hague on the 18th of October, 1907, subject in all cases to the condition that they do not affect the vital interests, the independence, or the honour of either the contracting States, and that they do not touch the interests of other Powers.

(2) Differences relating to the following questions shall be submitted to arbitration without the power to appeal to the reservations mentioned in Article I.

(a) Pecuniary claims under the head of damages, where the question of indemnity is recognized by both parties.

(b) Debts arising from contracts claimed from the Government of either of the parties by the Government of the other party as being due to the subjects of the respective State.



## *THE INTERNATIONAL PROTECTION OF LABOR*

(c) Interpretation and application of the stipulations of the Convention relating to trade and navigation.

(d) Interpretation and application of the stipulations of the Convention relating to the matters hereunder indicated:

Industrial property, literary and artistic property, international private right as regulated by The Hague Conventions, international protection of workers, posts and telegraphs, weights and measures, sanitary questions, submarine cables, fisheries, measurement of ships, white slave trade.

In differences relating to the matters contemplated under No 4 of the present Article, and with regard to which, according to the territorial law, the judicial authority would be competent, the contracting parties shall be under the obligation of not submitting the question in dispute to arbitration until after the national jurisdiction shall have definitely pronounced.

Arbitration judgments given in the cases contemplated in the preceding paragraph shall have no effect on previous judicial decisions.

The contracting parties engage to take, or, if occasion requires, to propose to the legislative power the necessary measures in order that the interpretation given in the arbitration judgment in the cases above contemplated may be adopted thereafter by their tribunals.

(3) In each particular case the High Contracting Parties shall sign a special engagement stating clearly the subject of the dispute, the scope of the power of the arbitrators, the procedure, and the delays to be observed as regards the operations of the arbitration tribunal.

The Contracting Parties shall agree to invest the Arbitration Tribunal contemplated in the present Convention with the power of deciding in the event of disagreement between them, as to whether a dispute which has arisen between them shall come under the heading of disputes to be submitted to compulsory arbitration, in conformity with Articles 1 and 2 of the present Convention.

(4) If, within the year following the notification by that



party most desirous for a compromise, the High Contracting Parties should not succeed in coming to an understanding on the measures to be taken, the Permanent Court shall be competent to establish the compromise. It may take cognizance of the matter by request of a single one of the parties.

The compromise shall be decided in conformity with the provisions of Articles 54 and 55 of The Hague Convention for the pacific regulation of international disputes, dated 18th October, 1907.

(5) The present Convention shall continue for a term of five years, with power of tacit continuance for successive terms of five years, from the time of exchanging the ratifications.

(6) The present Convention shall be ratified as soon as possible, and the ratification shall be exchanged at Copenhagen.

(E. B. VI, (3) pp. 229-230.)

#### EXHIBIT 21.

*Convention Between Germany and Belgium in Regard to Insurance Against Industrial Accidents (July 6, 1912).*

I.—*Regulations in regard to undertakings whose sphere of operations extend over the territory of both countries.*

1. In regard to undertakings which have their headquarters within the territory of one of the contracting parties and whose sphere of operations extends over the territory of the other party, whenever these are subjected on both sides to the regulations of compulsory compensation for injuries resulting from industrial accidents (insurance against industrial accidents) saving those exceptions mentioned in Articles 2 and 4, the legislation of the country in which they are carried out shall be exclusively applied, as far as the said operations are concerned.

This rule shall apply, regardless of the place at which the staff was engaged, provided that the matter deals with work to be carried out either in Germany or in Belgium.

2. As regards any undertakings which are financed, either by the German Empire, a Federated German State, a German Commune, or an Association of German Communes, or an Association of Belgian Communes or Provinces, the legislation of the

country in which the undertaking has its headquarters shall be exclusively applicable, even to operations undertaken on the territory of the other country by a public representative in the employ of the said undertaking.

3. In transport undertakings, as far as the moving (travelling) portions of the undertaking are concerned, which extend from one territory to another, whatever may be the relative importance of the operations carried out on either side, that legislation shall be exclusively applied which is in force in the country in which the undertaking has its headquarters. The staff of the travelling part shall remain subject to this legislation, even should they be engaged on work connected with other departments of the undertaking and which are carried out on the territory of the other country.

4. Without prejudice to the regulations of Articles 2 and 3, in undertakings of all kinds, the legislation of that country in which the undertaking has its headquarters shall continue to apply exclusively for the first six months during which the undertaking carries out operations on the territory of the other country, as far as concerns these persons who, until they were occupied in this latter country, were attached to a portion of the undertaking subjected to the said legislation.

5. For the purpose of calculating the time limit during which the undertaking carries out operations outside the country in which its headquarters are found (Article 4) several operations undertaken concurrently must be considered as forming only one and the same work, which extends from the commencement of the first of these portions until the completion of the last.

The same rule shall apply should it be a question of works undertaken successively, one after the other, and which are not separated by an interval of more than 30 days. Should the interval be over 30 days, a fresh time limit of six months shall commence from the resumption of operations.

The time previous to the coming into force of the present Convention shall be included in the time limit.

6. If, in pursuance of Articles 1 and 4, an undertaking whose headquarters are in one of the countries should be subjected to the legislation of the other country, as far as the business carried

out on the territory of the latter is concerned, the work included in this business shall be considered as an undertaking in the sense of the said legislation.

7. Whenever, in one of the countries, grants have been allowed by way of legal indemnity, relative to an accident, the consequences of which, in virtue of the present Convention, must be compensated for according to the legislation of the other country, the party liable shall be bound to reimburse the said grants, setting it off against the indemnity which is due from him.

8. Whenever an accident which has taken place on the territory of one of the countries comes under the application of the legislation relative to compensation for injuries resulting from industrial accidents, of the other country, that legislation shall apply likewise as far as actions for civil liability are concerned, to which the accident may give rise, according to the legislation of the first country.

This rule shall apply even when an undertaking is only subjected in one of the two countries to the laws of compulsory compensation for injuries resulting from industrial accidents.

II.—*Regulations in regard to reciprocal relations in the matter of Compensation for Injuries resulting from industrial Accidents in general.*

9. In order to facilitate on either side the carrying out of the legislation relative to industrial accidents, the competent administrative and judicial authorities shall give each other mutual assistance and shall lend each other judicial assistance according to the regulations in force in civil and commercial matters. In urgent cases the authorities shall even give, officially the necessary means of information as if it were a question of carrying out their national law.

10. The provisions in force in one of the countries according to which exemptions from stamp and other fiscal duties or advantages of another class may be accorded in regard to industrial accidents, shall apply whenever it is a case of carrying out in the said country the legislation of the other country.

11. Whenever the party to whom the indemnity is due does not reside in the country of the party who is liable to pay the indemnity, but comes from the other country, the party liable may



legally make payments to the Consular Authority of the country of the creditor, in the district in which the said debtor lives or where the headquarters of his business are situated.

The Consular Authority must act as intermediary for the communication of the necessary certificates (life certificate, widowhood certificate, *etc.*).

12. As far as the questions mentioned in Article II are concerned the territorial spheres and districts of the Consular Authorities shall be fixed by an arrangement to be concluded between the two Governments.

13. In the application of legislation in regard to industrial accidents of one of the countries, whenever it may be necessary to express the value of remuneration for work in coinage of the other country, the conversion shall take place on a basis of a mean value determined by each of the two Governments for the application of its legislation, which information it shall cause to be transmitted to the other Government.

14. The system of insurance adopted for the German officials, instead of insurance against accidents, shall be assimilated to the said insurance as far as the present Convention is concerned.

III.—*Temporary Regulations and Final Regulations.*

15. The obligations resulting from accidents which took place previous to the coming into force of the present Convention shall remain, even in the future, at the charge of the person previously liable.

16. The regulations relative to the carrying out of the present Convention shall be decreed by each of the contracting parties, in their respective autonomy, as far as it may be necessary in regard to their jurisdiction, namely, in Germany by the Chancellor of the Empire or by the authority which he shall appoint, in Belgium, by the competent authority according to the circumstances. The two Governments shall communicate to each other the regulations thus made.

17. The present Convention shall be ratified by H. M. The German Emperor and by H. M. the King of the Belgians, and the ratifications shall be interchanged as soon as possible.

The Convention shall come into force on 1st February, 1913. It may be denounced at any time by the two parties, and it



shall cease at the expiration of the year following the denunciation.

In the event of the denouncing of the present Convention the obligations resulting from accidents which have taken place whilst the Convention was still in force shall continue to be carried out by the parties previously liable.

(E. B. VIII, (2) pp. 47-49.)

## EXHIBIT 22.

*Convention Between the German Empire and the Kingdom of Italy With Respect to Workmen's Insurance*  
(July 31, 1912).

### PART I.—Accident Insurance.

(1) The two contracting parties place the subjects of their respective countries and their survivors on an equal footing with the subjects of the other country and their survivors with respect to benefits derived from the German Industrial Accident Insurance and the German Seamen's Accident Insurance on the one hand and from the Italian Accident Insurance on the other hand.

This condition shall hold good for the Italian Accident Insurance of agricultural labourers, only if the latter are subject to the accident insurance according to the Italian Act dated 31st January, 1904, now in force.

(2) The principle of equality of rights (sect. 1) shall not exclude a payment being made, in the place of an annuity, of three times the amount of the annuity, with the consent of the person entitled thereto, or of a capital sum corresponding to the value of the annuity, without the consent of the person entitled thereto.

In the German Accident Insurance the general regulations issued by the Federal Council shall apply for the calculation of the corresponding capital value.

In the Italian Accident Insurance the general regulations which hold good for the conversion of the capital amount of compensation into an annuity, shall apply.

PART II.—Invalidity, Old Age, and Survivors' Insurance.

(3) The same contributions to the German Invalidity and Survivors' Insurance shall be paid for Italian subjects as for German subjects, even if the former are enrolled as members of the National Workmen's Provident Fund for Invalidity and old age (*Cassa Nazionale di Previdenza per la invalidità e per la vecchiaia degli operai*), or of the Mercantile Marine Invalidity Fund (*Cassa Invalidi della Marina Mercantile*).

If an Italian subject is enrolled as member of one of the said funds, the insurer of the German Invalidity and Survivors' Insurance shall, upon request of the former, pay over to the National Provident Fund half the amounts, which are used for him after the application has been made, as contributions of the Italian subject to the fund in which he is enrolled. All particulars, especially with respect to the issue of corresponding receipt cards, shall be determined by the Imperial Chancellor; the latter shall previously secure the consent of the Italian Government, in so far as the National Provident Fund is concerned.

In the case of paragraph 2 an insured Italian subject and his survivors shall not be entitled to claim the benefits of the German Invalidity and Survivor's Insurance unless such benefits must be granted for an insurance case arising previously to the making of the application. Contributions, of which half are to be paid over to the National Provident Fund in accordance with paragraph 2, shall not be taken into consideration with respect to the claim to such benefits.

(4) Article 3, paragraphs two and three, shall hold good also for Italian subjects who make use of the voluntary additional insurance, according to the German law. The German insurers shall pay over the full amount of the additional stamps.

(5) With respect to maintaining the rights to claim the benefits of the German invalidity and Survivor's Insurance, the fulfillment of the obligation of active military service in Italy is placed on a par with the fulfillment of the obligation of German subjects to serve under the colours.

(6) German subjects residing in Italy shall be entitled to be enrolled as members of the Italian National Provident Fund, under the same conditions and with the same effects as Italian

subjects, in so far as Articles 7, 8, 10, and 11 do not contain any contrary stipulations.

(7) German subjects shall be insured with the National Provident Fund under the condition of repayment of the contributions (tariff of reserved capital). Upon application of the insured person, the contributions, including the amounts paid by others on behalf of the person enrolled, shall be refunded, should the insured person die or leave Italian territory before the contingency of insurance arises; in the latter case they shall be paid to the insured person.

If employers in Italy pay contributions to the National Provident Fund for their national workers or for certain classes of the same, they shall be bound to pay such contributions to the said fund also in a corresponding manner for their German workers.

(8) The transfer from the Workmen's Insurance to the National Insurance, which takes place according to Italian legislation when the conditions for inscription in the register of Workmen's Insurance with the National Provident Fund do not apply, shall entail for a German insured person the loss of the right to claim repayment of contributions only if he expressly agrees with the transfer.

(9) German subjects belonging to the crew of an Italian sea-going ship shall be placed on the same footing as Italian subjects with respect to insurance with the Mercantile Marine Invalidity Fund, in so far as nothing to the contrary is hereinafter stipulated. For such German subjects the inscription in the Italian register of seamen shall be a condition of the insurance.

If a German subject insured in this manner leaves Italian territory previous to the contingency of the insurance arising, without belonging to the crew of an Italian sea-going vessel, the contributions paid for him shall be refunded upon his request.

(10) As long as a German subject who is entitled to an annuity from one of the said Italian funds, voluntarily has his ordinary abode outside the territory of the Italian State, his annuity shall remain suspended; in such a case his claim shall be compounded by the payment of triple the amount of his annuity.

So long as a German subject has been exiled from Italian territory, in consequence of a criminal conviction, his annuity shall remain in suspense.

If a German subject has left Italian territory in virtue of an order of an Italian authority, his annuity shall not remain in suspense, except in the cases referred to in paragraph 2. The Italian fund, however, may compound his claim with his consent, by the payment of triple the amount of his annuity.

(11) Disputes with respect to the compounding of claims shall be decided by such proceedings as are prescribed for annuity claims in the Italian Invalidity and Old Age Insurance Act.

(12) Should the Italian Invalidity, Old Age, and Survivors' Insurance be extended to a larger circle of persons, the above conditions shall be correspondingly applied.

### PART III.—General Provisions.

(13) With respect to the administration of the Accident Insurance as well as of the Invalidity, Old Age, and Survivors' Insurance of one country in the other, mutual support and legal assistance shall be given by the competent authorities. Legal assistance shall be given, in so far as no contrary provisions are contained in the following articles, in accordance with the provisions in force for civil and commercial matters.

(14) The Italian Government shall communicate to the German Government a list of medical men, clinical establishments and hospitals, which, in the administration of the German Workmen's Insurance in Italy, are specially suitable for medical treatment and advice. It shall also take care that the expenses for treatment, examination and advice by the medical men named in the list and for maintenance in the institutions therein mentioned are kept within reasonable limits.

(15) The regulations of one country, according to which there exist exemptions from stamp duty and fees or other privileges with respect to the Accident Insurance and the Invalidity, Old Age, and Survivors' Insurance shall be correspondingly applied, in so far as it may be necessary to administer in such country the respective workmen's insurance of the other country.

(16) In the case of an accident happening to an Italian subject, the German Department concerned shall immediately give notice to the Italian Consular Authority, which is competent for



the district in question, of the termination of the inquiry into the accident.

The Italian Consular Authority may claim to follow the proceedings in connection with the inquiry and any subsequent proceedings to the same extent as the parties directly concerned.

The provisions of paragraph 2 shall be applied in a corresponding manner to the German Invalidity and Survivors' Insurance.

(17) Should it be necessary to obtain evidence in Italy for establishing the claim of an Italian subject arising out of the German Accident Insurance, or of the German Invalidity and Survivors' Insurance, the German insurers and the German Insurance Authorities may avail themselves of the intermediary of the competent Italian Consular Authority for their district. The inquiries made in this manner shall be free of cost, with the exception of the medical evidence.

(18) If, for the purpose of the administration of the German Accident Insurance and of the German Invalidity and Survivors' Insurance, it should be necessary to serve documents, fixing certain periods, upon Italian subjects, who are not residing within the territory of the German Empire and whose abode is not known, the Department having to effect the service shall claim the intermediary of the Italian Consular Authority in the district of which the Department is situate.

The Consular Authority shall send to the Department having to effect the service, within one week after receipt of the document, the certificate of the Post Office as to the delivery of the document. Should the Department demand it, the Consular Authority shall cause inquiries to be made as to the whereabouts and delivery of the document and communicate to the Department in question the information which it may receive in the matter from the Post Office. If the document is returned by the Post Office to the Consular Authority as undelivered, the Consular Authority shall transmit it immediately, with the annotations of the Post Office, to the Department having to effect the service.

If the Consular Authority is not in a position to effect delivery of the document, the same shall be returned without delay, at latest before the expiration of one week from receipt, to the Department having to effect the service.

## *THE INTERNATIONAL PROTECTION OF LABOR*

If the intermediary of the Consular Authority for effecting the service has been made use of without result, the Department having to effect the service shall be at liberty to effect such service by other means.

The intermediary of the Italian Consular Authority may also be claimed for the service of documents which do not fix time limits.

(19) The Italian Government shall introduce a procedure corresponding to that referred to in sections 16-18, when administering the Italian Workmen's Insurance in connection with German subjects, as soon as the German Government places at its disposal the intermediary of its Consuls.

(20) The contracting parties reserve to themselves the right to come to an arrangement by way of exchange of notes, as to the manner in which payments arising out of the Workmen's Insurance of the one country, to persons entitled to the same who are staying in the other country, shall be affected.

(21) In matters which are regulated by this Part, the local competence and the districts of the Consular Authority shall be determined according to an arrangement to be come to between the two Governments.

### **PART IV.—Final Provisions.**

(22) The two contracting parties reserve to themselves the right, by an additional convention, to arrange that the subjects of the two countries shall be placed on the same footing, with respect to agricultural accident insurance on a larger scale, as soon as a system of accident insurance is introduced in Italy which may be equivalent to the German Agricultural Accident Insurance.

(23) In the same way the two contracting parties reserve to themselves the right, by an additional convention, to arrange that the subjects of the two countries shall be placed on the same footing, with respect to Invalidity, Old Age, and Survivors' Insurance as soon as a system of Invalidity, Old Age, and Survivors' Insurance is introduced in Italy which can be considered as equivalent to the German Invalidity and Survivors' Insurance.

(24) This convention must be ratified by His Majesty the German Emperor and His Majesty the King of Italy, and the deeds of ratification shall be exchanged as soon as possible.

(25) The convention shall come into force on 1st April, 1913.

Notice of discontinuance of the convention may be given at any time by either party, and it shall cease to be in force on the expiration of the year following that in which notice was given.

(E. B. VIII, (3-4) pp. 99-103).

### EXHIBIT 23.

*Agreement Between the German Empire and Spain Concerning  
the Reciprocal Communication of Accidents to Spanish  
Sailors on German Ships and of German Sailors on  
Spanish Ships. (Concluded by Exchange of  
Diplomatic Notes on 30th November, 1912  
—12 February, 1913.)*

(1) Should a Spanish sailor, employed on a German ship, meet with an accident during the execution of his work, and the ship be in a German port, or, after the accident, anchor in a German port, the German authorities, to whom the skipper has given notice in pursuance of the Regulations, shall notify the competent Spanish Consul; if the ship is in a non-German port, the German Consul to whom the skipper has given notice in pursuance of the Regulations, must communicate with the competent Spanish Consul. If the port is Spanish and at the same time the chief town of a province, the Civil Government or else the Alcade shall be notified. Should the accident take place on the high seas, the German Consul is bound, if possible, to notify the accident to the proper authorities within 24 hours from the moment the ship enters a Spanish port.

(2) Should a German sailor, employed on a Spanish ship, meet with an accident during the execution of his duties, and the ship be in a Spanish port, or after the accident, anchor in a Spanish port, the Spanish authorities, to whom the skipper has given notice in pursuance of the Regulations, shall notify the

competent German Consul; should the port not be Spanish, the Spanish Consul to whom the skipper has given notice in pursuance of the Regulations shall notify the competent German Consul, and, should the port be German, the Harbour Police. Should the accident take place on the high seas the Spanish Consul shall be bound, if possible, to notify the accident to the proper authorities within 24 hours from the moment the ship enters a Spanish port.

(E. B. VIII, (6-7) p. 247.)

#### EXHIBIT 24.

*Treaty Between Italy and the United States, Amending the Treaty of Commerce and Navigation Concluded 26 February, 1871 (Feb. 25, 1913).*

(I) It is agreed between the High Contracting Parties that the first paragraph of Article III of the Treaty of Commerce and Navigation, 26th February, 1871, between Italy and the United States, shall be replaced by the following provision:

The citizens of each of the High Contracting Parties shall receive in the States and Territories of the other the most constant security and protection of their property and for their rights, including that form of protection granted by any State or national law which establishes a civil responsibility for injuries or for death caused by negligence or fault, and gives to relatives or heirs of the injured party a right of action, which right shall not be restricted on account of the nationality of said relatives or heirs; and shall enjoy in this respect the same rights and privileges as are or shall be granted to nationals, provided that they submit themselves to the conditions imposed on the later.

(II) The present Treaty shall be ratified by His Majesty the King of Italy, in accordance with the constitutional forms of that kingdom, and by the President of the United States, by and with the advice and consent of the Senate thereof, and shall go into operation upon the exchange of the ratifications thereof, which shall be effected at Washington as soon as practicable.

(E. B. VII.-VIII. (9-10) p. 363.)



EXHIBIT 25.

*Agreement Between France and Switzerland Relative to Pensions  
to Be Granted to Members of the Staff of the  
Swiss Federal Railroads Employed on  
French Territory (Oct. 13, 1913).*

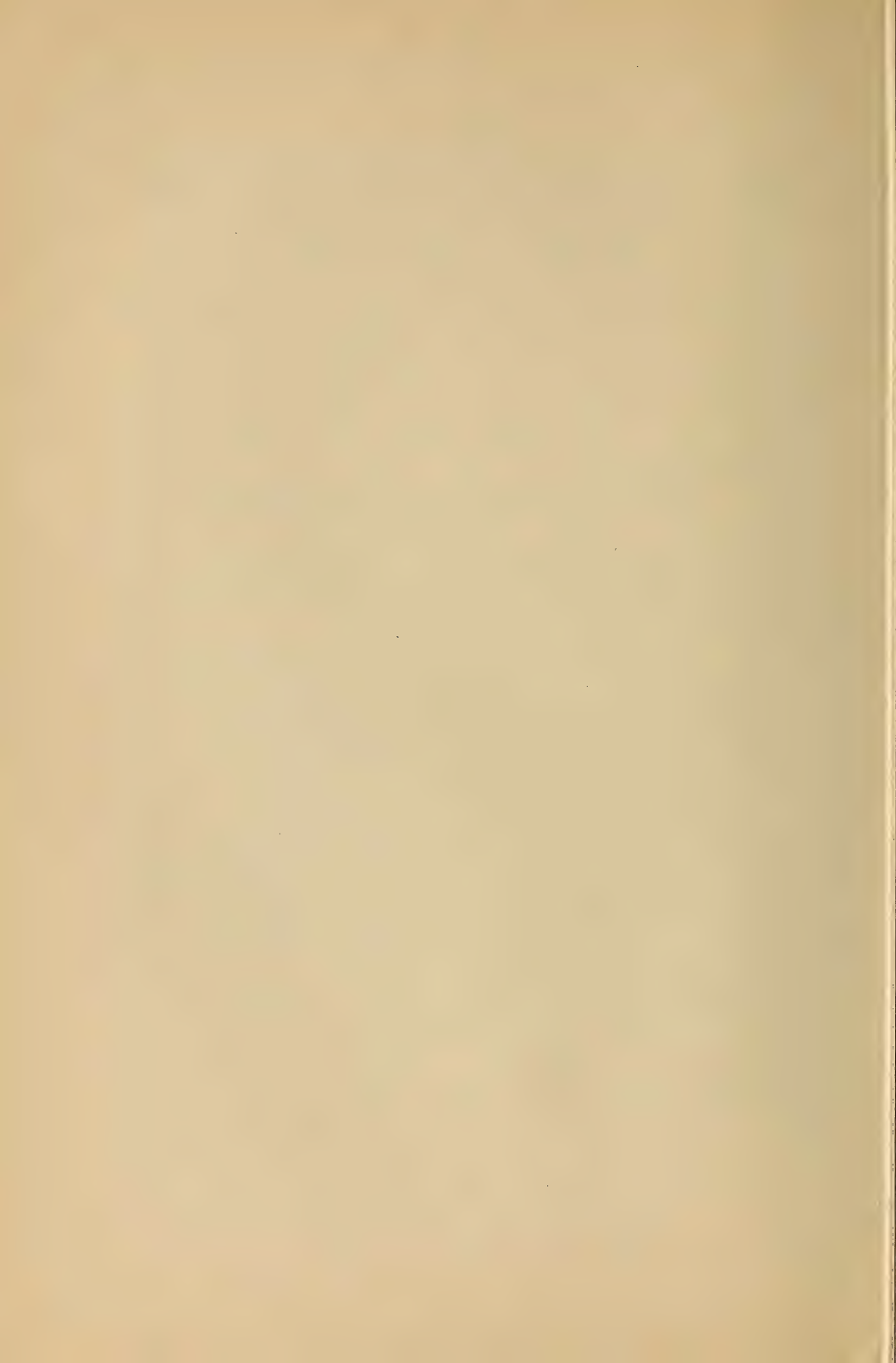
The Swiss Federal Council and the Government of the French Republic, in an endeavour to prevent the French or foreign members of the staff employed on French soil by the General Administration of the Swiss Federal Railroads from coming under the regulations concerning old age pensions of both countries, by the application of the Swiss and the French Acts, have agreed on the following provisions:

(1) The members of the staff permanently employed within French territory by the General Administration of the Swiss Federal Railroads who benefit in Switzerland by old age insurance corresponding to the provisions of the French Act dated 21st July, 1909, shall be exempt from the application of the French Act relative to old age insurance for workers.

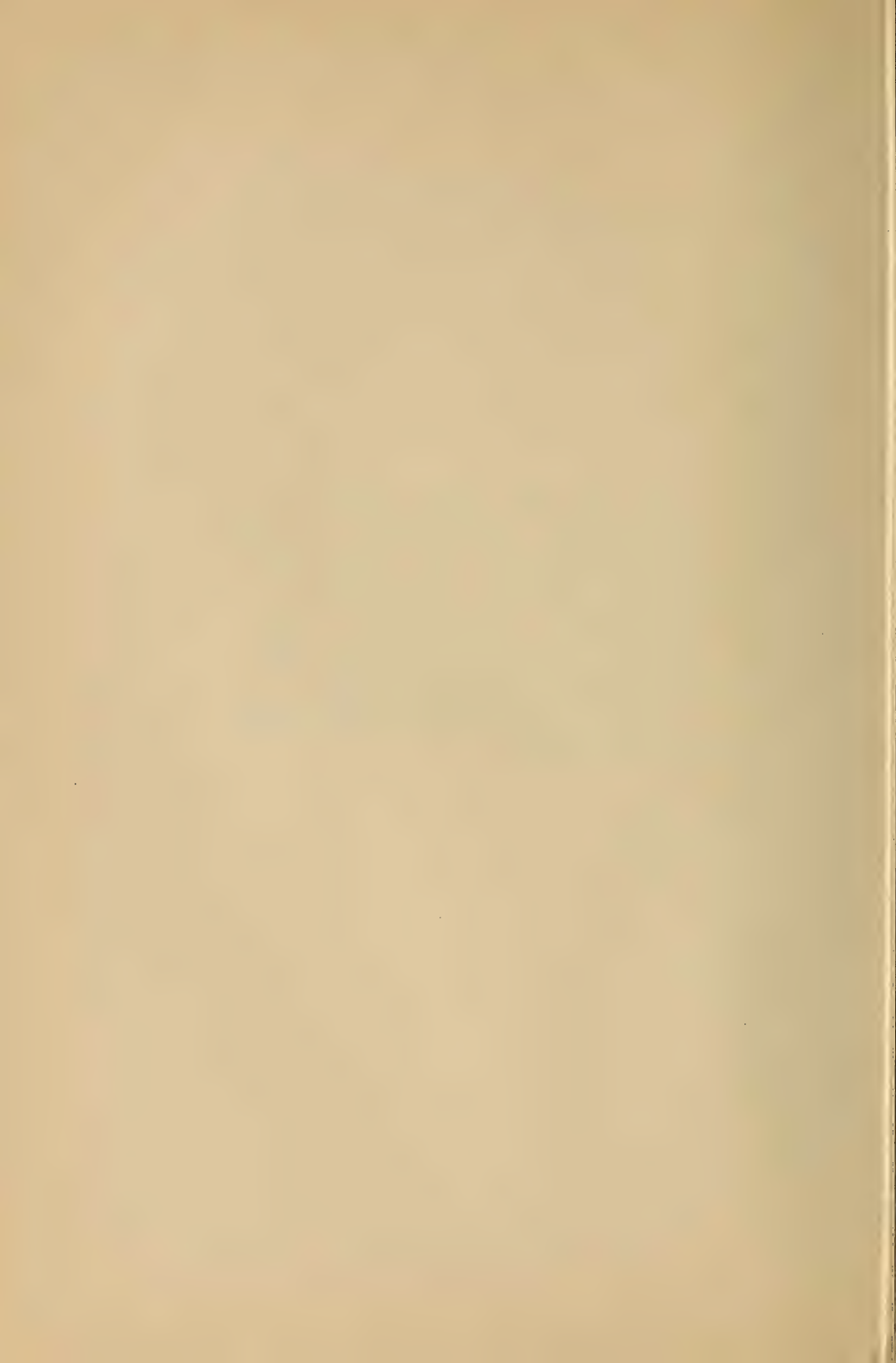
(2) The members of the staff employed by the General Administration of the Swiss Federal Railroads who do not belong to any Old Age Pension Fund, more especially those who are only temporarily employed by the said General Administration, shall remain subject to the provisions of No. 1 of the above-mentioned French Act concerning old age insurance for workers.

(3) The present Agreement shall be ratified, and the ratification documents exchanged, at the earliest possible moment. The Agreement shall come into operation on the date on which the ratification documents are exchanged, and shall remain in force until one year after the date on which notice of termination of the Agreement shall be given.

(E. B. IX, (3) p. 61.)



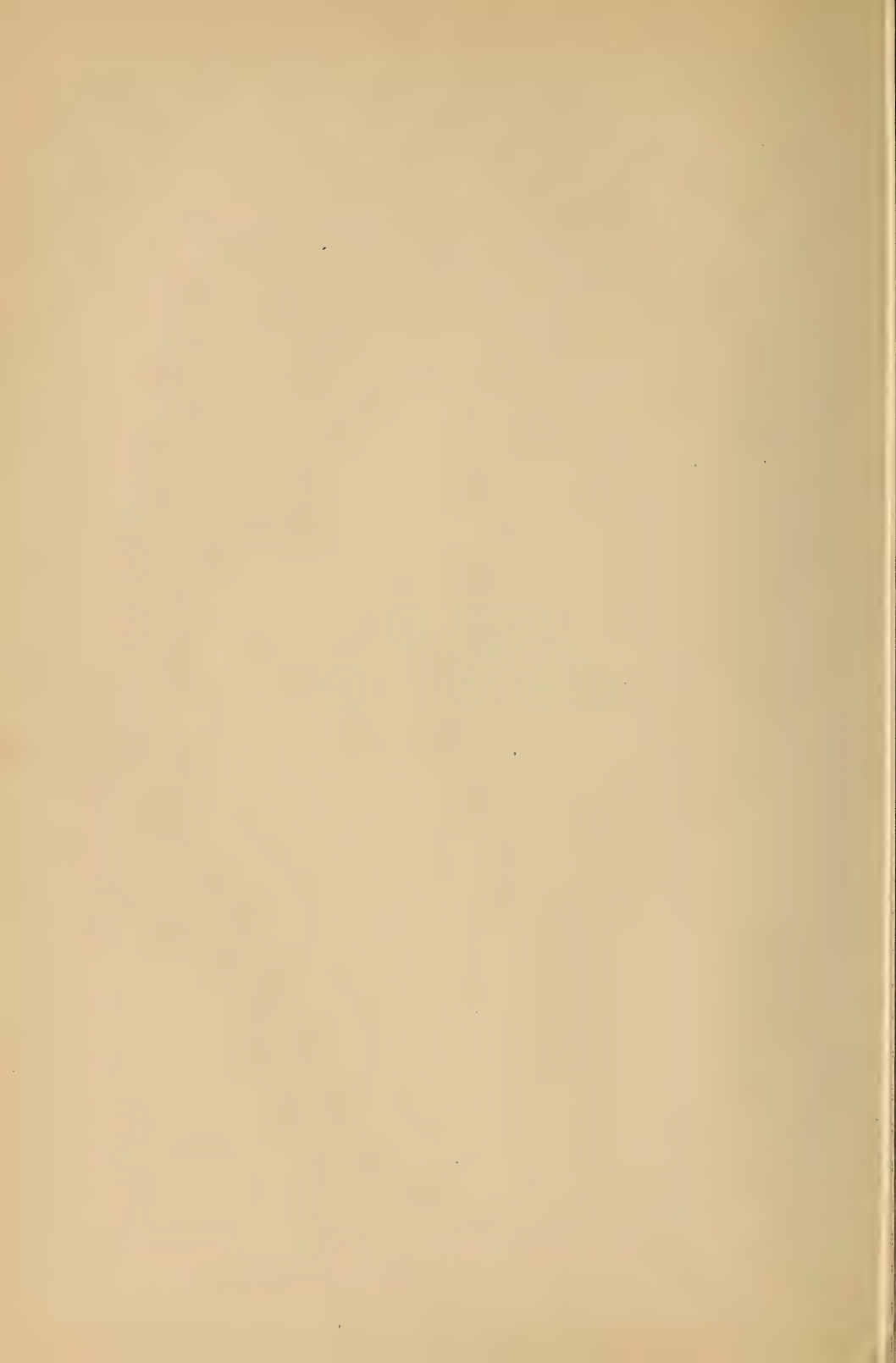
*In taking a calm retrospect of my life, from the earliest remembered period of it to the present hour, there appears to me to have been a succession of extraordinary or out-of-the-usual-way events, forming connected links of a chain, to compel me to proceed onward to complete a mission of which I have been an impelled agent, without merit or demerit of any kind on my part.*  
—ROBERT OWEN, Sevenoaks Park, Sevenoaks, September, 1857.





APPENDIX II.

**Labor Resolutions Internationally Subscribed**



## CONTENTS

### APPENDIX II.

#### Labor Resolutions Internationally Subscribed.

Exhibit	Page
1. Proposals of the Congress at Roubaix (1884) .....	239
2. Law Proposition Before French Chamber, (1885).....	239
3. Proposition Before the Reichstag, (1886) .....	240
4. Proposals of the Swiss Federal Council, (1889) .....	240
5. Program of the Swiss Federal Council, (1889).....	241
6. Resolutions Prepared at The Hague, (1889) .....	243
7. Resolutions of the Conference at Berlin, (1890).....	244
8. Recommendations Discussed at Zurich, (1897) Extract.....	247
9. Program of the Congress of Brussels, (September 27-30, 1897)..	248
10. Statutes of the International Association for the Legal Protection of Labor, (1900).....	249
11. Resolutions of the First Delegates' Meeting (Basel, Sept. 27-28, 1901) .....	252
A. <i>L'Annuaire de législation du travail</i> .....	253
B. Publication of Bulletin .....	253
C. Night-Work of Woman .....	253
D. Accident Statistics .....	253
E. Unhealthful Industries using Lead and White Phosphorus..	253
F. Accident and Sickness Insurance of Aliens.....	254
12. Resolutions of the Second Delegates' Meeting (Cologne, Sept. 23-24, 1902) .....	254
A. Night-Work of Women .....	254
B. Use of Lead and White Phosphorus .....	255
13. Resolutions of the Committee Meeting at Basel (Sept. 11, 1903)..	255
A. White Phosphorus .....	255
B. Lead and Lead Compounds .....	256
C. Night-Work of Women .....	257
14. Resolutions of the Third Delegates' Meeting, (Basel Sept. 26-28, 1904) .....	258
I. International Protection of Laborers .....	258
II. Organization of the Association .....	258
III. Finances and International Labour Office .....	259

# CONTENTS (Continued)

Exhibit	Page
IV. The Struggle Against the Dangers of Occupational Poisoning .....	260
A. Lead and Lead Compounds .....	260
B. Industrial Poisons .....	260
C. Prizes Offered to the Association .....	262
V. Night-Work of Young Persons .....	262
VI. Home-Work .....	263
VII. Legal Limitation of the Workday.....	263
VIII. Social Insurance .....	264
15. Resolutions of the Fourth Delegates' Meeting (Geneva, Sept. 27-29, 1906) .....	264
I. International Conventions .....	264
II. Finances, International Labour Office, Statutes of New Sections, Standing Orders .....	264
III. Administration of Labour Laws .....	264
IV. Employment of Children .....	265
V. Night-Work of Young Persons .....	265
VI. Legal Maximum Working Day .....	266
VII. Home-Work .....	266
VIII. Industrial Poisons .....	267
IX. Workmen's Insurance .....	268
16. Resolutions of the Fifth Delegates' Meeting (Lucerne Sept. 28-30, 1908) .....	269
I. International Conventions .....	269
II. Finances, Bulletin, Staff Regulations, Library, etc.....	269
III. Administration of Labour Laws .....	271
IV. Employment of Children .....	271
V. Night-Work of Young Persons .....	271
VI. Maximum Working Day .....	273
VII. Home-Work .....	274
VIII. Industrial Poisons .....	276
A. White Phosphorus .....	276
B. Lead .....	276
1. Painting and Decorating .....	276
2. Ceramic Industry .....	277
3. Polygraphic Industry .....	278
C. List of Industrial Poisons .....	279
IX. Working in Caissons .....	279
X. Workmen's Insurance; Treatment of Foreigners in case of Accident .....	279
17. Resolutions of the Sixth Delegates' Meeting, (Lugano Sept. 26-28, 1910) .....	281



# CONTENTS (Continued)

Exhibit	Page
I. International Labour Conventions of Berne, (1906).....	282
II. New Sections, Finances, Co-operation with other International Associations, Exhibition of Hygiene, etc. ....	282
III. Administration of Labour Laws .....	283
IV. Child Labour .....	284
V. Night-Work of Young Persons .....	284
VI. Maximum Working Day .....	285
A. Ten-hour Workday for Women .....	285
B. Ten-hour Workday for Young Persons .....	286
C. Ten-hour Workday for Men in Textile Industries...	286
D. Workday in Continuous Processes .....	286
E. Eight-hour Shift in Mines .....	287
F. Hours in Specially Dangerous Industry .....	287
VII. Workmen's Holidays .....	288
VIII. Home-Work .....	288
A. General .....	288
B. Machine-made Embroidery .....	290
IX. Industrial Poisons .....	290
A. White Phosphorus .....	290
B. Lead .....	290
b. Ceramic Industry .....	291
b. Germanic Industry .....	291
c. Polygraphic Industry .....	294
C. Protection of Homeworkers from Industrial Poisons.	297
D. List of Industrial Poisons .....	297
X. Work in Compressed Air .....	297
A. Work in Caissons .....	297
B. Divers .....	299
XI. The Protection of Railway Servants and Prevention of Accidents. Automatic Coupling .....	299
XII. Workmen's Insurance .....	299
18. Resolutions of the Seventh Delegates' Meeting (Zurich, Sept. 10-12, 1912) .....	300
1. Publication of Reports .....	300
2. Finances .....	300
3. Bulletin of the International Labour Office .....	301
4. New National Sections .....	301
5. Co-operation with Other International Associations.....	301
6. Next Delegates' Meeting .....	302
7. International Conventions .....	302
8. The Administration of International Labour Treaties.....	303
9. Child Labour .....	303
10. Saturday Half-Holiday .....	304
11. Hours of Labour in Continuous Industries .....	304

# CONTENTS (Continued)

Exhibit	Page
12. Protection of Railroad Employees .....	305
13. Protection of Dock Workers .....	306
14. Hygienic Working Day .....	306
15. Workmen's Holidays .....	306
16. Legal Relations Between Employers and Employed.....	307
17. The Truck System and deductions from Wages .....	307
18. Home Work .....	308
19. Machine-Made Swiss Embroidery .....	310
20. List of Industrial Poisons .....	311
21. Lead .....	311
22. Handling of Ferrosilicon .....	312
23. Principles for the Protection of Persons Employed in Min- ing, the Construction of Tunnels, Stone Quarries, etc., on an International Basis .....	313
24. The International Prevention of Anthrax Among Indus- trial Workers and of Mercurial Poisoning in Fur-cutting and Hat-making .....	314
25. Work in Caissons .....	314
26. Diving Operations .....	314
27. Mortality Among Working Classes .....	314
28. Treatment of Foreign Workmen Under Insurance Legisla- tion .....	315
19. <i>Voeu</i> .....	316
20. Draft for an International Convention Respecting the Prohibi- tion of Night-Work for Young Persons Employed in Industrial Occupations, (Sept. 25, 1913) .....	318
21. Draft for an International Convention to Fix the Working day for Women and Young Persons Employed in Industrial Occupa- tions, (Sept. 25, 1913) .....	320
22. Constitution of the American Section of the International Asso- ciation on Unemployment. Extract .....	322
23. Constitution of the American Association for Labour Legislation..	323
24. Justification of the Principle of the Prohibition of Night-Work of Women .....	325
25. Report of the United States Section of the International High Commission .....	326

EXHIBIT I.

*Proposals of the Congress at Roubaix (1884)*

International legislation relating to:

A.—The prohibition of the work of children under fourteen years of age;

B.—The limitation of the work of men and women;

C.—The prohibition of night-work, excepting, however, certain cases determined by the exigencies of modern mechanical production;

D.—The prohibition of certain branches of industry and of certain modes of manufacture detrimental to the health of the workers.

E.—The establishment of an international minimum wage and workday of eight hours.

(Translation: L. Chatelain, *La protection internationale ouvrière*, p. 61.)

EXHIBIT 2.

*Bill Before French Chamber (1885).*

The following proposition was laid before the French Chamber:

"Article 1.—The French Government will reply favorably to the proposals of the Swiss Government concerning international labor legislation.

"Article 2.—The French Government will assume the initiative concurrently with the Swiss Government in entering as soon as possible into the necessary negotiations with foreign governments with a view to international labor legislation.

"Article 3.—This international law shall have as its object:

"1. The prohibition of industrial work of children under fourteen years of age;

"2. The limitation of the work of women and those minors, who are especially protected by law;

"3. Measures of hygiene, health and safety in the shops, with the purpose of safeguarding the health, the moral and physical development and the life of the workers;

"4. Protection and insurance against accidents;

"5. Inspection of mills, factories, shops and yards (*chantiers*)

## THE INTERNATIONAL PROTECTION OF LABOR

by inspectors one-half of whose number are to be appointed by the Minister of Public Works and one-half chosen by the workers:

"6. The establishment for adults of a normal, or at least a maximum, workday;

"7. Establishment of a weekly day of rest;

"8. The institution of an international bureau of labor and industrial statistics, charged with studying and proposing the means of furthering and codifying international labor legislation.

"Article 4.—A committee of eleven members shall be appointed to present a detailed plan of international labor legislation, after having taken the opinion of the different labor organizations of France."

(Translation: *Ibid.*, p. 19.)

### EXHIBIT 3.

#### *Proposition Before the Reichstag (1886).*

Proposal made with the object of having "the Reichstag take the resolution:

"To call upon the Chancellor of the Empire to convoke a conference of the principal industrial States for the purpose of formulating the uniform basis of an international agreement concerning protective labor legislation, an agreement that would establish for all the States convened;

1. A workday not exceeding ten hours, whatever the kind of establishment;

2. The prohibition of night-work in every kind of establishment with certain exceptions;

3. The prohibition of the work of children under fourteen years of age."

(Translation: *Ibid.*, p. 44.)

### EXHIBIT 4.

#### *Proposals of the Swiss Federal Council (1889).*

1. Prohibition of Sunday work;

2. Establishment of a minimum age for admission of children to factories;



3. Establishment of a maximum workday for young workers;
  4. Prohibition of the employment of young people and women in operations particularly injurious to health and dangerous;
  5. Limitation of night-work for young persons and women;
  6. Mode of executing the conventions that may be concluded.
- (Translation: *Archives diplomatiques*, 1889, t. XXX, p. 78.

## EXHIBIT 5.

### *Program Proposed by the Swiss Federal Council (1889).*

#### I. Prohibition of Sunday Work.

1. In what measure is there reason for *restricting of Sunday work*?

2. What are the establishments or processes for which, by their very nature, the interruption or suspension of work is inadmissible and Sunday work should consequently be *permitted*?

3. Can some measures be taken in these establishments or processes for the purpose of giving Sunday rest to individual workers?

#### II. Determination of a Minimum Age for Admission of Children into Factories.

1. Is there occasion for the determination of a minimum age for admitting children into factories?

2. Should the minimum age be the same in all countries, or on the other hand should it be determined in relation to the more or less early physical development of the child according to the climatic conditions of the different countries?

3. What should be the minimum age determined in either of these two cases?

4. Can exceptions to the minimum age once determined, be allowed if the number of workdays is reduced or the workday shortened?

#### III. Determination of the Maximum Workday for Young Workers.

1. Is it expedient to determine a maximum workday for young workers?

Ought the hours of compulsory school instruction be included?

2. Ought this maximum workday to be graded according to the different age groups?

3. Of how many hours of work (with or without actual rest periods) ought the maximum workday to consist in the one or the other case. (See 1 and 2)?

4. Between what hours of the day ought the time of work to be distributed?

IV. Prohibition of Employment of Young People and Women in Operations Particularly Injurious to Health or Dangerous.

1. Is it necessary to restrict the employment of young people and women in establishments particularly injurious to health or dangerous?

2. Ought the persons of these two categories to be excluded from these establishments?

Entirely (young people up to what age?), or partly (young people up to a certain age? Women at certain times?).

Or indeed ought the workday of young persons and women in these operations to be reduced?

What is the minimum of the requirements to be adopted in the last two cases?

3. What are the operations injurious to health or dangerous, to which the above provisions ought to be applied (See 1 and 2)?

V. Limitation of Night-Work for Young Persons and Women.

1. Ought young persons to be excluded entirely or partially from night-work?

To what age should that exclusion extend? Under what conditions can they be partially admitted?

2. Ought women without distinction of age to be excluded from night-work?

In case of admission is it advisable to enact certain restrictions by law?

3. What are the hours included within the term, night-work, or in other words when does night-work commence and end?

VI. Enforcement of the Provisions Adopted.

1. To what kinds of establishments (mines, factories, shops, *etc.*, are the provisions adopted to be applicable?

2. Should a term be appointed for compliance with the provisions adopted?

3. What are the measures to be taken for the enforcement of the provisions adopted?

4. Ought regularly recurring conferences of delegates from the participating States to be provided for?
  5. What tasks ought to be assigned to these conferences?
- (Translation: *Ibid.*, 1890 t. XXXIII, p. 372-373.)

## EXHIBIT 6.

### *Resolutions Prepared at The Hague (1889).*

1. It is expedient for labor organizations and socialist parties both of the Old World and the New to strive for international labor legislation and to support the Swiss Republic in the inter-governmental conference called at Bern for this purpose;

2. This international legislation, in order to protect the existence and liberty of labor, in order to reduce unemployment, and to make the crises of overproduction of rare occurrence, must, first of all, take up the following points:

- A. Prohibition of child labor under fourteen years of age, and the reduction of the workday to six hours for young people between fourteen and eighteen years of age;

- B. Limitation of the workday of adults to eight hours;

- C. Compulsory weekly rest or prohibition of the employment of labor more than six days in seven;

- D. Prohibition of night-work, except in certain cases to be determined in accordance with the necessities of modern mechanical production;

- E. Prohibition of certain kinds of industry and of certain methods of manufacture prejudicial to the health of the workers;

- F. Establishment of an international minimum wage equal for the workers of both sexes;

3. For the enforcement of the above provisions, there shall be appointed national and international inspectors chosen by the workers and remunerated by the State;

The election of the international inspectors shall be notified through diplomatic channels and within the space of a month to the different contracting powers.

These inspectors, to the number of ——— per country and appointed for ——— years, shall have authority to enter at all times every shop, mill, factory, yard (*chantier*), etc., to ascertain viola-

tions, make official report, and bring to justice offenders.

This control shall be extended to home manufacturing for the same reason of social hygiene for which the right of inspection has been given to the committees on unhealthy dwellings.

(Translation: Chatelain, *La protection internationale ouvrière*, p. 21.)

## EXHIBIT 7.

### *Resolutions of Conference of Berlin (1890).*

#### 1. Regulation of Work in Mines.

It is desirable: 1. That the lower age limit at which children can be admitted to underground works in mines shall be progressively raised, in proportion as circumstances will allow it, to the age of fourteen; for meridian (Southern) countries that limit shall be fixed at twelve.

Underground work is forbidden to persons of the feminine sex.

2. In case the character of the mine does not permit the removal of all dangers to health, arising from conditions natural or incidental to the operation of certain mines or of certain works connected with them, the length of the working day must be limited.

To each nation is left the task of attaining this object by legislative or administrative measures, or by agreement between the operators and workers, or in any other way in accordance with the principles and practice of each nation.

3. A. That the safety of the workers and the salubrity of the work shall be assured by every means at the disposal of science, and placed under state supervision.

B. That the engineers charged with the direction of the operations, shall be exclusively men of experience and duly attested technical competence.

C. That the relations between the mine workers and the mining engineers shall be as direct as possible so as to possess the character of mutual confidence and respect.

D. That mutual benefit societies shall be organized conformably to the usages of each country, designed to insure the mine laborer and his family against disease, accidents, old age and



death; that institutions which can better the lot of the miner and attach him to his profession, shall be developed more and more.

E. That efforts toward the prevention of strikes may be made with the object of guaranteeing the continuity of coal production.

Experience tends to prove that the best preventive measure is that by which employers and miners agree to arbitrate, in every case where differences could not be settled by a direct agreement.

## II. Regulation of Sunday-Work.

It is desirable, subject to necessary exceptions and delays in each country that a weekly day of rest be assured to persons to whom this protective legislation applies; that a day of rest be assured to all industrial workers; that this day of rest shall fall on Sunday for persons to whom the protective legislation applies.

Exceptions may be allowed for establishments which require continuity of production for technical reasons, or which furnish to the public objects of prime necessity, which must be manufactures daily, also to establishments which, by nature, can function only in fixed seasons, or which depend upon the irregular action of natural forces.

It is desirable that, even in the establishments of this class, each laborer shall have one free Sunday in two.

In order that the exceptions may be determined from similar points of view, it is desirable that the different governments agree on the manner of regulation.

## III. Regulation of Child Labor.

It is desirable that children of both sexes, under a certain age, shall be excluded from work in industrial establishments; that this limit shall be fixed at twelve years, except for meridian (Southern) countries where the limit may be ten years; that these limits shall be the same for all industrial establishments without discrimination; that the children shall have first satisfied requirements of elementary instruction; that children under fourteen shall work neither at night nor on Sunday; that their actual work shall not exceed six hours per day and shall be broken by a rest of at least one-half hour; that children shall be excluded from unhealthy or dangerous occupations, or else be admitted only under certain protective conditions.

#### IV. Regulation of the Work of Young Persons.

It is desirable that young workers of both sexes between fourteen and sixteen years of age shall not work either at night or on Sunday; that their actual work shall not exceed ten hours per day and shall be broken by a rest of at least one and one-half hours' duration; that exceptions shall be permitted for certain industries.

That restrictions shall be provided for operations particularly unhealthful or dangerous.

That protection shall be assured to young boys between sixteen and eighteen years of age in that which concerns the maximum workday, night-work, Sunday work, employment in occupations particularly unhealthful or dangerous.

#### V. Regulation of Women's Work.

It is desirable that girls and women shall not work at night.

That their actual work shall not exceed eleven hours during the day and shall be interrupted by a rest of at least one and one-half hours' duration.

That exceptions shall be permitted in certain industries and that restrictions shall be provided for occupations particularly unhealthful or dangerous.

That lying-in women shall not be admitted to work within four weeks after their delivery.

#### VI. Enforcement of the Provisions Adopted by the Conference.

In cases where the governments wish to give effect to the acts of the Conference, the following provisions are recommended:

That the enforcement of the measures undertaken in each State shall be supervised by a sufficient number of specially qualified officials appointed by the government and independent of the employers and also workers.

The annual reports of these officials, published by the governments of the different countries, shall be communicated to the other governments. Each State shall publish periodically, in so far as possible in similar form, statistical abstracts.

As to the questions discussed at the Conference, the participating States shall exchange between themselves the statistical abstracts, bearing on those questions as well as the text of the regu-

lations decreed by legislative or administrative action, and having reference to the questions discussed at the Conference.

It is desirable that another Conference of the States shall take place in the future, and that the States shall then communicate to each other the experience gained as a result of the present Conference in order to be able to make any changes or improvements.

The undersigned submit these resolutions to their respective governments, subject to the reservations and with the observations made in the sessions of the 27th and 28th of March and recorded in the minutes of those sessions.

Berlin, March 29, 1890.

Translation: *Archiv. dipl.*, 1890, t. XXXV, p. 175-178.)

## EXHIBIT 8.

*Recommendations Discussed at the Congress of Zurich (1897.)*

(Extract)

I. Inspection inclusive of large and small industrial establishments, mines, transportation, business, home work and agricultural establishments which employ machinery, by independent officials selected, more than in the past, from experts. These inspectors shall have workers as their assistants and be numerous enough to be able to inspect each establishment every six months. Special inspectors must be provided for agriculture.

The enforcement of the regulations relating to woman's work shall be exercised by women inspectors paid by the State and chosen in part from the working women.

II. Absolute right of organization for all manual workers and other kinds of employees of the two sexes, especially official recognition of all the offices and committees, established by the workers for the control of labor protection. Likewise recognition of trade unions and law of control.

Violation of the right of organization is punishable.

III. Introduction of universal suffrage, equal, direct and secret, for election to all representative bodies, in order to insure a more genuine influence of the labor class upon all Parliaments.

IV. Active propaganda by trade unions and political organi-

zations by means of lectures, pamphlets, meetings, journals, and above all, parliamentary action.

V. Organization of periodical international Congresses; presentation of similar bills at the same time to different legislatures.

(Translation: Chatelain, *La protection internationale ouvrière*, p. 80-81.)

## EXHIBIT 9.

### *Program of the Congress of Brussels (Sept. 27-30, 1897).*

The program submitted to the deliberations of the Congress (Brussels 1897) contains many questions: 1. Question: Evolution of labor legislation in the different countries since the Conference of Berlin.

"What modifications has protective labor legislation undergone in each country since the Conference of Berlin?"

"What is the respective situation of the different industrial States in regard to the resolutions taken by the Conference on child labor, work of young persons, work of women and work in mines?"

2. Question: Regulation of work of Adults.

"Ought male workers and adults to be subjected to a protective régime? Especially, ought the law to limit in a general manner the length of their work?"

3. Question: International Protection.

"Is international protection of laborers possible and desirable? In what measure and under what form?"

4. Question: Home Work.

"Is it feasible to regulate labor conditions in small industry and in home work? If so, what should be the practical measures to be recommended?"

5. Question: Dangerous Industries.

"Is it expedient and desirable that special regulations which are imposed in many countries upon dangerous industries should be put into operation concurrently in all industrial states?"

6. Question: Labor Inspection.

"What are the proper means of insuring the best enforcement of protective labor laws, in particular what ought to be the rights and duties of factory inspectors?"



7. Question: International Labor Statistics.

"Is it desirable that international reports be instituted between the labor offices and that international labor statistics be compiled?"

(Translation: *Ibid.*, p. 83-84.)

EXHIBIT 10.

*Statutes of the International Association for the Legal Protection of Labor.*

(1) There is hereby organized an international association for the legal protection of labor. The seat of the association is in Switzerland.

(2) This association has for its object:

1. The bringing together of those who in the different industrial countries consider protective legislation of working people as necessary.

2. The organization of an international labor office which will have for its mission the publication, in French, German, and English, of a periodical collection of the labor legislation in all countries, or to lend its coöperation to such a publication.

This collection will comprise:

(a) The text of a résumé of all laws, regulations, and decrees in force relating to the protection of the working people in general, particularly woman and child labor, the limitation of the hours of labor of male workers and adults, Sunday rest, periodical repose, dangerous industries;

(b) An historical summary of these laws and regulations;

(c) A résumé of official reports and documents concerning the interpretation and execution of these laws and decrees.

3. To facilitate the study of labor legislation in the various countries, and especially to furnish to members of the association information regarding the legislation in force and its application in the several States.

4. To further, by the preparation of memoirs and otherwise, the study of the question of the concordance of the various protective labor laws, as well as that of international statistics of labor.

5. To convoke the international congresses on labor legislation.

(3) The association is composed of all persons and societies (other than the national sections) who adhere to the object of the association, as indicated in articles 1 and 2, and who remit to the treasurer an annual contribution of 10 francs (\$1.93.).

(4) Any member who by the end of one year has neglected or refused to pay his dues will be considered as having resigned.

(5) The members have a right to the publications to be issued by the association.

They also have the right to receive gratuitously from the bureau the results of inquiries that may have been instituted, and conformably to special regulations, such information as may come within the competence of this bureau.

(6) The association is under the direction of a committee composed of members belonging to the various States admitted to representation thereon.

(7) Each State will be represented on the committee by six members, as soon as 50 of its citizens will have joined the association.

After that, each new group of fifty members will be entitled to one additional seat, the total number of members of the committee from any State not to exceed ten.

The governments will be invited to designate one delegate each, who will have the same rights in the committee as the other members.

(8) The duration of the terms of members of the committee is not limited, and the committee is recruited by cooptation.

The election of new members of the committee to replace those who have died or resigned will take place upon the nomination of the members belonging, respectively, to the States having a right to the representation.

The vote is by secret ballot, at a meeting of the committee, the notice of which will contain an indication of the candidates presented. The members who do not attend this meeting may send their votes to the president in a sealed envelope.

(9) The committee is competent to pass any resolutions needful for the accomplishment of the object of the association. It

shall meet in a general assembly at least once every two years. It may be convoked by the bureau, whenever the latter judges it necessary or when at least fifteen members of the committee request it.

The choice of the meeting place will be made by the consultation in writing of all the members of the committee, by the secretary-general, within a time fixed by the bureau.

(10) The committee elects from among its members a bureau composed of a president, a vice-president, and a secretary-general; The committee also appoints the treasurer of the association.

(11) The mission of the bureau is to take the steps necessary for the execution of the resolutions of the committee. It manages the funds of the association. It makes each year a report to the committee of the administration of its affairs. It appoints the clerks and other persons necessary for the work of the association. It places itself in communication, in all industrial States, with specialists and other competent persons disposed to furnish information regarding the labor laws and their application. These persons receive the title of correspondents of the association.

(12) The secretary-general has charge of the correspondence of the association, of the committee, and of the bureau, as well as of the publications and of the information service.

(13) The treasurer receives the dues and has charge of the funds. He makes no payments without the visa of the president.

(14) A national section of the association may be formed in a country, on condition that it has at least 50 members and pays into the treasury of the association an annual contribution of at least 1,000 francs (\$193). The statutes of such a section must be approved by the committee.

Such a section has the right to provide for the vacancies which occur on the committee from among the representatives of its country.

The members of a national section have the same rights as those of the association, with the reservation that the publications to be furnished them by the association, as well as the representation on the committee, will be proportionate to its annual contributions.

(15) The present statutes can not be revised, either wholly or in part, except at a meeting of the committee, and then only by a two-thirds majority of the members present, and when the proposition of revision has been inserted in the notice of meeting.

(*Bulletin of the Bureau of Labor*. No. 54 Sept. 1904. Washington, pp. 1081-1082.)

## EXHIBIT II.

*Resolutions of the First Delegates' Meeting (Basel, Sept. 27-28, 1901).*

### A.

I. a. The statutes of all the sections have been approved and the sections recognized by the Association.

b. Note has been made of the Constitution of the Italian section which conforms to the Constitution (Statutes) of the International Association.

II. The Bureau of the International Association has been asked to investigate the manner in which Articles 7 and 14 of the Statutes of the Association could be revised.

III. The Bureau of the International Association has been asked to take up with the Committee the question of determining the treatment to be accorded a proposition of Mr. Carroll Wright requesting that each labor bureau of the United States be represented by a delegate with consultative authority on the International Committee.

### B.

I. The President has been invited to express in the form that seems to him appropriate, to the Governments of the Swiss Confederation, the French Republic, the Kingdoms of Italy and Holland, and the Canton of Basle the thanks of the Association; by granting subventions, by delegating official representatives, by furnishing quarters, these Governments have aided very notably in the creation of the International Labor Office. The Constituent Assembly desires also to extend its thanks to all persons who have aided in its work, as well as to the press which has been favorable to it.



II. The Assembly deems the report of Professor Bauer, Director of the International Office, upon the purpose of that Office, very interesting as an expression of his personal opinions. It congratulates Mr. Bauer, but it calls attention expressly to the fact that, according to the Statutes of the Association, the activities of the International Labor Office should be confined to investigations of a purely scientific order. This being granted, the Assembly proposes to determine accordingly the nature of the more immediate activities of the International Office, activities that must be undertaken gradually to the extent that the resources of the Office will permit.

A. Negotiations with Belgium for the publication and distribution of the *L'Annuaire de législation du travail*.

B. Publication of a Bulletin containing:

1. In one of the first numbers the titles and purposes of protective labor laws in each country, indicating the sources where the complete text can be found.

2. A table of parliamentary action relating to protective labor legislation in the different countries.

3. The resolutions of congresses, and especially associational congresses, national and international, relative to the protection of labor.

4. As far as available, the texts and analyses of new laws and regulations promulgated for the protection of labor.

5. A bibliography of official publications and of private publications of a documentary nature, relating to the legal protection of labor and to labor statistics, indicating the title, contents, size, price, and publisher.

C. Investigations as to the actual condition and effect of night-work of women in the different countries, as well as the results obtained in the industries where night-work has been suppressed. The report shall distinguish the differences existing in the definition of night hours in the different countries and the consequences which ensue.

D. Establishment of a uniform form for industrial accident statistics in the different countries.

E. Investigations as to the degree of unhealthfulness and the actual legislation pertaining to unhealthful industries, and

## THE INTERNATIONAL PROTECTION OF LABOR

especially as to: 1. those which manufacture or use lead colors; 2. those which manufacture or use white phosphorus.

F. Comparative investigations of the legislation of different countries concerning accident insurance and sickness insurance and civil responsibility with reference to persons who work in a country other than that which is the home of their family.

III. In general, information concerning the protection of labor shall be furnished gratuitously to Governments; it shall be given gratuitously to private individuals only when the latter shall belong to one of the national sections or to the International Association.

IV. The Assembly recommends that the sections encourage and facilitate in every way relations between the Labor Office and workingmen's and employers' Associations. To this end, the most effective means will be to furnish the Labor Office the addresses of these Associations. The sections can also address circulars to them inviting them to send their printed documents to the International Office.

V. The Assembly also proposes that the investigations indicated under headings C D E and if possible, F, serve as the basis for the deliberations and conclusions of the next meeting of the International Association, which will take place at Cologne in September, 1902.

(Translation; *Publications de l'Association internationale pour la protection légale des travailleurs*. No. 1. p. 131 and 133.)

### EXHIBIT 12.

*Resolutions of the Second Delegates' Meeting (Cologne, Sept. 23-24, 1902.)*

The resolutions were as follows:

1. "The condition of legislation on the night-work of women in the majority of the large industrial States, and, as proved by the reports published by the sections, the influence of that legislation on the state of industry in general and on that of different enterprises and laborers in particular, justify the absolute prohibition in principle of the night-work of women. The international Committee instructs a Commission to investigate the means of introducing that general prohibition and of examining how the ex-

ceptions that exist may be gradually suppressed. This commission shall make its report within two years. Each national section has the right to appoint two delegates on the Commission. The Commission shall call into consultation competent persons selected from among workmen and employers. The governments shall be notified in sufficient time of the meetings of the Commission in order that they may be represented.

II. "The dangers that the handling and use of white phosphorus and lead present to the health of the workers being particularly serious there is urgent need for the institution of a commission charged with the investigation of the ways and means adapted to the elimination of those dangers and of bringing about by international agreement the general prohibition of white phosphorus and the suppression in as far as possible of the use of white lead.

"This task shall devolve upon the commission charged to report upon the first proposition.

"The international Committee will immediately start proceedings through the agency of its bureau with governments and communal authorities to the end that the use of ceruse may be prohibited in the works of the State, the cities and townships."

(Translation: *Ibid.*, No. 2, p. 45.)

### EXHIBIT 13

*Resolutions of the Commission Meeting at Basel (Sept. 11, 1903).*

#### A. Prohibition of the Use of White Phosphorus in the Match Industry.

I. In execution of the tasks delivered to it at Cologne by the International Association for the Legal Protection of Labor, the Commission calls upon the Bureau to request of the Federal Council of the Swiss Confederation its good offices in initiating an international Conference having for its aim the prohibition by means of an international Convention of the use of white phosphorus in the match industry.

II. The Bureau in co-operation with a subcommittee shall, before March 1, 1904, send to the different governments an explanatory memorandum of the question of white phosphorus; it

shall send that memorandum to the governments represented upon the Committee through the agency of their respective delegates. The memorandum shall be addressed directly to the other governments by the Bureau.

B. Lead and Lead Colors.

I. The Commission thinks that it is not necessary to resort to international agreements in the matter of the use of ceruse in the painting trade.

It is of opinion that this question does not raise any serious difficulty with reference to international competition and that the more general regulation relative to lead and its compounds would be more profitably the object of an international conference.

II. The Commission is of the opinion that it is advisable for the Bureau and the national sections to pursue energetically in each country the prohibition of the use of white lead in public and private painting works. The national sections are invited to send to the Bureau before March 1, 1904, a report on the measures they have taken for the purpose of bringing about the suppression of the use of white lead in painting. The Bureau shall give an account at the next meeting of the Committee of the measures that have been taken up with the governments.

III. The Commission charges the Bureau of the International Association to invite the sections to take up measures with their governments as soon as possible by setting forth the facts as to the number of establishments in which cases of lead poisoning have been discovered and presenting the data collected in the different countries by the International Labor Office, in order that:

(1) The necessary investigations may be made in order to ascertain completely the present condition of affairs. (2) If in spite of scientific research for the discovery of innocuous substitutes, the prohibition of the use of lead seems impossible, the dangers which threaten the health of the workers may be eliminated or at least diminished in so far as possible by the rigorous application of the special regulations already existent or by the promulgation of new protective regulations for each of the different categories of industry that manufacture or use lead or its compounds.



The question of lead in its entirety must be placed upon the program of the next meeting of the Committee in order that the ways and means may be considered to introduce the improvements which have been recognized to be possible.

C. Prohibition of the Night-Work of Women Employed Outside of Their Home.

I. In compliance with order given to it at Cologne by the International Association for the Legal Protection of Labor, the Commission calls upon the Bureau to request of the Federal Council of the Swiss Confederation its good offices in initiating an international conference having for its aim the prohibition by means of an international convention of night-work of women in industry.

II. The Bureau in co-operation with a subcommission shall, before March 1, 1904, send to the different Governments a memorandum on the question of night-work of women; it shall send that memorandum to the government represented on the Committee through their respective delegates. The memorandum shall be addressed directly to the other governments by the Bureau.

That memorandum shall definitely state that the prohibition of night-work of women ought to insure to all working women employed in an industrial establishment, that is outside of their home, a rest of twelve consecutive hours between evening and morning. In case the immediate introduction of night-rest of twelve hours' duration presents difficulties, the period of night-rest may be fixed at ten hours for a period of transition. The memorandum shall explain the different resolutions adopted by the Commission.

1. Exceptions may be provided in case of imminent or actual accident.

2. Women assigned to work upon materials subjected to very rapid deterioration, as, for example, in fish and certain fruit industries, may be allowed to work at night on each occasion when it is necessary in order to save the materials from otherwise unavoidable loss.

3. Seasonal industries and those whose needs are similar shall find, in the transitional provision prescribing a night's rest of ten hours, the additional hours for work of which they may be in need in their present state of organization.

## THE INTERATIONAL PROTECTION OF LABOR

4. Periods of time may be set within which to bring about the realization of these reforms.

(Translation: *Ibid.*, No. 3. p. 6-8. )

### EXHIBIT 14

*Resolutions of the Third Delegates' Meeting (Basel, Sept. 26-28, 1904).*

#### I. International Protection of Laborers.

1. The Committee of the International Association notes with satisfaction the work of the special Commission and approves the acts inspired by it and executed by the Bureau.

2. The Bureau of the International Association is instructed to express to the High Swiss Federal Council its profound appreciation of the Council's intention to comply with its request and convoke an international conference for the legal protection of workers.

3. The Bureau of the International Association is instructed to express the gratitude of the Association to the High Governments of the French Republic and the Kingdom of Italy which, by the conclusion of a protective labor Treaty, have taken an initiative that will promote the international protection of labor.

These letters shall be signed also by the Presidents of the sections.

#### II. Organization of the Association.

1. The statutes of the Swiss section are approved in their present form.

2. Each of the sections of the International Association for the Legal Protection of Labor shall appoint one of its members, or a special Committee, instructed to work, either with the Bureau of the International Association, or independently of it, for the foundation of sections in sympathy with the principles of the International Association in the countries that are not yet represented in the Association, and for the carrying on of propaganda through the press.

The sections shall notify the Bureau of the International Association of the persons designated, or the appointments made in pursuance of the preceding paragraph.

## *LABOR RESOLUTIONS INTERNATIONALLY SUBSCRIBED*

The sections shall present to each of the general Assemblies a report on their activities in the matter of propaganda.

3. The Bureau of the International Association is instructed to consult with the sections and governments in due time for the purpose of determining the place and exact date of the next General Assembly of the Committee.

### III. Finances and International Labor Office.

1. After having verified the accounts of the year 1902-1903, the General Assembly discharges the Bureau of the International Association of its obligations for these two years.

2. Beginning with the year 1905, a single budget shall be made out for each year: that of the International Association; in this the budget of the International Office shall constitute a separate chapter. The proposed budget shall be submitted each year for the approval of the Presidents of the Sections before becoming final.

3. (a) The Sections assume the obligation of printing at their own expense the reports which they present to the general assemblies and of furnishing gratuitously 115 copies to the Bureau of the Association.

(b) The Sections of the countries whose governments do not yet grant any subvention to the Association or at least the subvention designated in the budget, are under obligation to take proceedings before their respective governments in order to induce the latter to grant to the International Association the annual subventions designated in their budget.

(c) The Sections pledge themselves to make all possible effort to insure a wider sale of the Bulletin, and in particular to institute proceedings with their governments and communal authorities in order that the latter may recommend to public administrations subscription to the Bulletin.

4. In spite of the measures to be taken by the sections, (see 3a to c) the present financial situation of the Association is such as to seriously endanger the regular functioning of the International Labor Office in as much as the receipts are out of all proportion to the high expenses resulting from the activities in the preparation of international labor protection. In view of these facts, the Assembly calls upon the governmental representatives

## THE INTERNATIONAL PROTECTION OF LABOR

present to inform their respective governments of the present financial situation, with or without preliminary agreement, in order that they may increase their regular subventions.

5. The General Assembly approves the proposed budget for the year, 1905, as modified by the Committee.

6. The Association notes with satisfaction the report of the International Labor Office. It thanks the officials of that office for their devoted and zealous services.

IV. The Struggle Against the Dangers of Occupational Poisoning.

### A. Lead and Lead Compounds.

1. The question of lead ought to be studied separately for each group of industries of certain importance manufacturing or using lead, such as: Shops manufacturing lead and zinc, manufacturing of lead colors, ceramic and painting industries, manufacturing of electric accumulators, polygraphic industries, plumbing, file cutting and cutting of precious stones, dyeing, *etc., etc.* New investigations should be made if there is need in order that there may be prescribed for each of these industries the special protective regulations necessary, or that certain uses of lead or of its compounds may even be prohibited.

A committee shall be instructed to study separately the different groups of dangerous industries, to draw up the practical conclusions of its studies, and then to frame standard regulations. It shall submit to the Bureau the results of its work as soon as completed for each group of industry.

2. As regards the use of white lead in the painting industry, the Association supports without modification the recommendation already adopted in favor of the suppression of the use of this material in all works where other substances can be used in its place. It furthermore thinks that strict regulations must, of necessity, be enacted where its suppression has not yet been obtained.

3. The Association decrees that the Bureau shall distribute to the Sections as soon as possible the report by which Mr. de Vooy's undertakes to show that the use of lead glazes can be dispensed with in the ceramic industry.

### B. Industrial Poisons.



(a) The Bureau is instructed to secure, in the most suitable way, the adoption of the following fundamental principles for combatting in a systematic manner the dangers of industrial poisoning.

1. It shall be the duty of the medical practitioners and hospital administrations to bring to the attention of the competent authorities the cases of industrial poisoning designated by administrative regulations.

The physicians shall be remunerated for the service rendered.

2. In cases where the law will require the attendance of physicians upon an establishment, it is important that the physician of these establishments which manufacture or use industrial poisons shall be absolutely independent of the employers of these establishments.

3. The establishments manufacturing or employing industrial poisons must be declared as such by the heads of the establishment. That declaration must contain an enumeration of the poisons manufactured or handled in the establishment.

4. Sick funds and mutual relief societies ought in their own interest to give very special attention to those of their members who work in establishments manufacturing or using poisons; they ought to make special morbidity investigations and to communicate the results of the same to labor inspectors in order to enable them to combat effectively the causes of poisoning.

5. It is advisable to promote in medical schools the study of industrial poisoning; the attention of young doctors must be directed by special courses to the importance of labor hygiene and the prophylaxis of occupational diseases.

6. In order to insure a really efficient supervision of establishments which produce or use industrial poisons, it is expedient, besides the medical practitioners already mentioned, to place in charge medical inspectors having a thorough and special knowledge of industrial hygiene.

7. (a) It is advisable to regulate the length of the workday in each dangerous industry by taking account of the degree of toxicity of the industrial poisons handled.

(b) The Bureau is invited to instruct a committee of experts to draw up and make public a list of substances which

## THE INTERNATIONAL PROTECTION OF LABOR

should be considered as industrial poisons, and to classify these poisons according to the seriousness of the disease caused by each.

The Bureau shall insure wide publicity to this list.

C. Prizes offered to the Association.

The Association accepts with thanks, on conditions reported by the Bureau, the prizes that have been offered it for combatting the dangers which the use of lead presents to workers.

It instructs the Bureau to convey to the generous donors an expression of its profound gratitude.

The Bureau must designate the experts left to the selection of the Association from among the candidates presented by the national sections.

V. Night-Work of Young Persons.

The Association without prejudice to the program of the International Conference and considering the urgency of the suppression of night-work of young persons, invites the Bureau to lay before the sections this question and to place it upon the program of the next meeting of the Association.

The Bureau is authorized to entrust its study to a Committee and to invite the sections to appoint their delegates to it.

Proposed *Questionnaire* for the Sections.

1. What is the number of children and young persons employed in your country (actual number and percentage of the whole number of workers)?

What is the number of those employed at night:

(a) By age?

(b) By industry?

2. How many are there who fall under the head of exceptions, in what industries and under what form.

3. What are the effects of the exceptions, how do they justify themselves, what exceptions could be done away with, what would be the result of such action, both from the technical and economic point of view? (Obtain this information chiefly from factory inspection reports.)

4. What difficulties would oppose themselves in your country to making eighteen the age limit for the protection of young workers?

5. What is the legal length of night-rest; what is the length of

night-work allowed in exceptional cases, for what reasons? (Inquiries should be made of the teaching force, medical force, *etc.*)

6. In what industries have violations of the prohibition of night-work been discovered; what were the reasons?

7. Give the same information relative to employees other than manual workers.

#### VI. Home Work.

1. The national sections are invited by the Bureau of the International Association to start under conditions which they shall determine and in accordance with a program the details of which are left to their own free discretion, an investigation on the two following points:

(a) What has been the influence of protective labor legislation on the development of home work in that which concerns specially women and young workers?

(b) What are the principal abuses resulting either from the absence or insufficiency of regulation of this kind of labor both from the point of view of the duration of the work of these classes of workers and from that of the hygienic conditions and security of the place of work?

2. The sections must apply in as far as possible, the monographic method, that is to say, they must carry on their investigation not upon the whole of the industries of the country, but on certain industries chosen by them for the purpose.

3. The scope of the inquiry includes:

(a) Home work properly so-called, that is to say work done in the home by the worker with or without the assistance of one or more helpers, for the account of an entrepreneur. It is advisable to include in this category certain home workers whose independence is only apparent and who are really very dependent upon manufacturers or big retail stores.

(b) The work done in shops free wholly or in part from legal regulation either because they are family shops, or by reason of the small number of workers regularly employed, or by reason of the nature of the industry, or for any other cause.

#### VII. Legal Limitation of the Workday.

The International Association for the legal protection of workers invites the sections to make a study of the question of legal limitation of the workday of manual workers and all other employees in commercial and industrial establishments.

And it requests the sections to prepare for the next general meeting reports on the status of the question in the different countries.

VIII. Social Insurance.

1. As regards the rights guaranteed to the workers and his dependents by legislation on insurance and professional responsibility, there is no occasion for discriminating between beneficiaries because of their nationality, their domicile, or their residence. The law of the domicile of the enterprise for which the laborer works is applicable.

2. The national sections shall, before the next general assembly, furnish the Bureau of the Association with a report on the ways and means of applying this principle within each country and in international relations from the twofold point of view of civil responsibility and insurance organization.

(Translation: *Ibid.*, No. 3, p. 171-176.)

EXHIBIT 15.

*Resolutions of the Fourth Delegates' Meeting, Geneva, (September 27-29, 1906).*

I. International Conventions.

The Board of the International Association for Labour Legislation is instructed to convey the thanks of the Association to those Governments which have become parties to the Labour Conventions signed at Berne on September 26, 1906, and to congratulate the High Swiss Federal Council on the success of its efforts.

II. Finances, International Labour Office, Statutes of New Sections, Standing Orders.

The Board of the International Association is instructed to convey the thanks of the Association to those Governments which, by increasing their State subsidies, have substantially helped towards the improvement in the financial condition of the Association, and thereby enabled the International Labour Office to maintain its efficiency.

III. Administration of Labour Laws.

The Sections are requested to report to the Board on the measures taken, in accordance with legal enactment or special



order in their respective countries, to secure the observance of Labour Laws. To this end, a list of questions will be submitted to the Sections by the Board. On receiving the replies to these questions, the Board shall draw up a comparative report on the steps taken to secure the effective Administration of the Labour Laws in the various countries.

#### IV. Employment of Children.

The Board is instructed to invite the Sections to report on the conditions and extent of the employment of children and the existing legal provisions for the protection of children employed, and to lay before the next Delegates' Meeting a report compiled from the reports so obtained.

#### V. Night Work of Young Persons.

1. Night-Work shall be in general forbidden for young persons under 18 years of age.

2. This prohibition is absolute for young persons under 14 years of age.

3. For young persons 14 years of age and upwards exceptions are allowed:

(a) In cases of *force majeure*, or exceptional circumstances.

(b) In industries the materials of which are of a highly perishable nature, in order to prevent serious damage.

4. Night-Work is absolutely forbidden in all places where goods are exposed for sale, hotels and public-houses, as well as in counting-houses attached to commercial and industrial establishments where Night-Work is forbidden.

5. The night's rest shall last at least 11 hours, and shall in all cases include the period from 10 p. m. to 5 a. m.

6. Provision may be made for periods of transition.

7. The International Association expresses its hope that inspection will be efficiently carried out.

8. The meeting instructs a Commission to ascertain by what methods practical effect can be given to the above resolutions. This Commission shall present a report within two years. Each Section has the right to nominate two delegates to this Commission and to name experts from amongst employers and workmen to assist at the deliberations of the Commission.

The Governments will have timely notice of all impending sittings of the Commission in order that they may be able to send representatives.

VI. Legal Maximum Working Day.

The International Association is of opinion:

1. That the determination by law of a maximum period of daily work is of the highest importance for the maintenance and promotion of the physical and intellectual welfare of workmen and employees.

2. That, over and above limitations of hours of work brought about by the efforts of Trade Unions, the intervention of the legislature is necessary in order to set a limit to daily hours of work in general.

3. That, to enable the Association to judge as to the expediency of international agreements on this subject, it is desirable that the International Labour Office should lay before the next Delegates' Meeting a report concerning—

(a) The actual hours of work of adult workmen and employees.

(b) The effects, especially on the productive capacity of workmen and technical improvements, of those limitations which have been already brought about either by law, special order, or the initiative of employers or trade unions.

The International Labour Office is authorized to limit this investigation to particular branches of industry if a general investigation should be found disproportionately beset with difficulties.

VII. Home Work.

The Association is of the opinion that the bad conditions shown to exist in home industries necessitate State intervention.

The sections are requested:

A. (a) To urge upon their respective Governments the enactment of legal provisions requiring employers (undertakers or sub-contractors):

(1) To keep a register of all workers employed by them outside their premises, and to hold it at all times at the disposal of the public authorities.

(2) To provide each person, when the work is given out, with exact written particulars of the piecework rates and the cost of materials, and to post the rates of pay current in the business on a notice affixed in all pay offices.

(b) To consider the means of procuring a wide publicity for

the information concerning wages obtained by legal provisions as recommended above.

B. To promote the extension to out-workers of legal provisions relating to inspection of workplaces, as well as of systems of workmen's insurance.

C. To demand, in the interests both of the public and of the workers, the most stringent enforcement of existing sanitary laws and bye-laws in unhealthy workrooms where home work is carried on, and to promote such regulations where they do not yet exist.

D. To initiate and encourage the formation and active work of trade unions among home workers, buyers' leagues, *etc.*, with a view to promoting private initiative.

E. The Board is instructed to indicate, with the co-operation of a sub-committee:

a) The branches of domestic industry in each country, the products of which compete in the world's markets with those of other countries; the field of such competition; and the conditions of work and organization in the industries in which such competition is found.

(b) Those home industries in which the absence of sick insurance, long hours of work (especially of women and children), inadequacy of wages, periodic slackness of work, call most urgently for measures of protection for the workers.

#### VIII. Industrial Poisons.

1. With the object of carrying out Resolution IV, A. I, passed at the Delegates' Meeting, 1904, the Association requests the Board to invite the Sections to nominate as soon as possible experts to institute investigations in their respective countries, and to report before January 1, 1908, at latest, on the best methods of combating the dangers attendant on the manufacture and use of lead paints and colours, especially in the ceramic and the polygraphic industries.

These reports shall be sent to the International Labour Office, which shall proceed to appoint three experts of three different nationalities. These experts shall draw up a final report based upon those presented.

The Board is requested to place at the disposal of the Com-

mission of three any of the essays entered for the prize competition which it considers might be of service to them.

2. The several Sections are requested by the Board to submit reports on the prohibition of the use of lead paints and colours before March 1, 1908, at latest. These reports should state whether such prohibition is enacted by law or by special order, and whether it applies to public or private works only or to both; they should contain information as to the effects of the prohibition, and as to experiments which might with advantage be made with leadless colours.

3. With a view to carrying out Resolution B (b) passed by the Delegates' Meeting, 1904, the Commission recommends the appointment of three experts of three different nationalities, whose duty shall be to draw up a final statement, based on the lists provided by the Sections, of the most important industrial poisons arranged in order of the degree of danger attending their use.

4. The Delegates' Meeting of the International Association for Labour Legislation expresses the hope that the Governments which have not signed the convention concerning the prohibition of the use of white phosphorus will, in the near future, adhere to this measure for securing the health of the workers. The Association urges the Sections in these countries to undertake the necessary inquiries, and to exert themselves to the utmost to promote the introduction of the aforesaid prohibition.

#### IX. Workmen's Insurance.

The International Association for Labour Legislation concludes from the reports of the various Sections that it is possible to establish the principle of the equality of foreigners and natives as regards insurance by means of an International Convention.

The Sections are therefore requested:

(1) To present to the next Delegates' Meeting a Draft of an International Convention, concerning, in the first place, accident insurance, which would establish this principle both as regards the amount of the indemnity and the conditions of procuring the same.

(2) To continue to work by means of National Legislation or International Treaties, towards the realisation of this princi-



ple, until it is fully recognized by an International Convention.

(3) To report to the next Delegates' Meeting what degree of modification or addition by further enactments would be required to bring the laws of their respective countries into correspondence with the principle laid down.

(E. B. *English Bulletin of the International Labor Office* 1, (4-8) pp. 318,322).

## EXHIBIT 16.

*Resolutions of the Fifth Delegates' Meeting (Lucerne, Sept. 28-30, 1908).*

### I. *International Conventions.*

The Board of the International Association is requested to convey, after December 31st, 1908, the thanks of the Association to the Governments of those States which shall then have ratified the labour conventions signed at Berne on September 26th, 1906.

The Board is requested to transmit to the Government of Sweden a memorandum expressing the thanks of the Association for the efforts made in the matter of the ratification of the Berne Convention relating to the night work of women; regretting that these efforts were not successful; and expressing the hope that when further steps are taken, the desired result will be attained.

### II. *Finances, Bulletin, Staff Regulations, Library, etc.*

#### A. *Finances.*

1. The Fifth Delegates' Meeting adopts with pleasure the reports of the Board, the Treasurer and the International Labour Office, and expresses its thanks for their work.

2. The Treasurer's financial statements, being duly audited, are adopted.

3. The Budget for 1909 and 1910 is adopted, subject to the following modifications:

The item for printing ("Bulletin") shall be increased to 18,000 francs, out of which 4,000 francs shall be devoted annually towards the expenses of the English edition. A further sum, not to exceed 2,000 francs annually shall be granted, if necessary, to meet any deficit in respect of the English edition. A sum not

exceeding 2,000 francs shall also be granted to meet any deficit in respect of the English edition during 1908.

B. Bulletin of the International Labour Office.

1. Until the financial position of the Association shows a further improvement, the Board is requested to refrain from enlarging the "Bulletin."

2. The Board is recommended to take all possible steps to secure the prompt and regular publication of the "Bulletin," and to reduce the expenses as far as possible.

C. Pension Insurance of the Employees in the International Labour Office.

The Fifth Delegates' Meeting approves the regulations for the insurance of the employees, with the following amendments:

1. The first sentence of clause 1 shall read as follows: "The International Association for Labour Legislation shall be the insuring party through the Board."

2. Clause 5 shall read as follows: "In the event of a contract of employment being ended either on the part of the Labour Office or on that of an employee, the policy of the employee who thus leaves the service of the Association shall under all circumstances be handed over to the employee as his own property."

3. Clause 6 shall be omitted.

D. Salaries of the Employees of the International Labour Office.

The meeting approves the scheme relating to salaries with the following amendments:

1. Clause 3 par. 2, shall be omitted.

2. Clause 6 shall read as follows: "In exceptional cases the Board may grant special payment, if an employee works overtime at the request of the director for four or more weeks, arising out of stress of work or other causes."

3. Clause 7 shall be omitted.

E. Catalogue of the Library of the International Labour Office.

The Labour Office is requested to do its utmost to expedite the compilation of the subject catalogue of the library, and, on request, to allow copies of any sections of this catalogue to be made at the expense of persons desiring the same.

F. Place and Time of the Next Meeting.

The Delegates' Meeting resolves the next (Sixth) Delegates' Meeting of the International Association shall be held in the autumn of 1910 at Lugano.

III. Administration of Labour Laws.

In pursuance of the resolutions of the Fourth Delegates' Meeting relating to the Administration of Labour Laws, the Meeting resolves as follows:

1. The International Labour Office is requested to complete the preliminary report on the administration of labour laws, and to submit the same for criticism to the Governments and Sections concerned.

2. The International Labour Office shall draw the attention of the Governments to the report when completed. Suitable steps shall be taken to make the report as widely known as possible among the general public.

3. The International Labour Office is requested to report from time to time to the Delegates' Meetings on any changes introduced affecting the administration of labour laws.

IV. *Employment of Children.*

The Sections are requested to seek means to secure, as far as possible, the complete prohibition of child labour, and, in so doing, to be guided by the following principles:

1. The employment of children to be subject to regulation in all occupations carried on for purposes of gain.

2. Such regulations to apply to all children employed; in agriculture, a distinction to be made between children working for their parents and for strangers respectively.

3. Children not to be employed for purposes of gain during school age; in so far as school attendance is not compulsory, employment to be permitted on the conclusion of the fourteenth year of age, or, in agriculture, of the thirteenth year.

V. Night Work of Young Persons.

The Delegates' Meeting leaves it to the Board of the Association to choose the occasion for proposing to the Governments the conclusion of an international agreement relating to the prohibition of the night work of young persons, but hereby adopts the following definite proposals which, in the opinion of the meeting, could be introduced in the present state of affairs.

The Meeting resolves, at the same time, to leave the Special Commission appointed in pursuance of Resolution V (8), of the Fourth Delegates' Meeting, constituted as at present, with the duty of continuing the collection and compilation of data bearing on the possibility of prohibiting the night work of young persons, until the time is ripe for approaching the Governments on the matter. It shall be, in addition, the duty of the Commission to inquire whether the technical development of any branches of industry has, in the meantime, advanced sufficiently to admit of the further extension of the proposed prohibition of the night work of young persons. The Board is requested to issue jointly with a sub-committee to be elected from amongst the members of the Special Commission, a publication setting forth the actual conditions under which the night work of young persons is carried on in the various countries, and the possibility of doing away with such night work (as was done as regards the prohibition of the night work of women).

The definite recommendations of the Delegates' Meeting on this subject are as follows:

1. The night work of young persons to be, in general, prohibited in the industrial occupations until the conclusion of the eighteenth year of their age.

2. The prohibition to be absolute until the conclusion of the fourteenth year of their age, and until they are exempt from school attendance.

3. Night work may be permitted for young persons over fourteen:

- (a) In cases of *force majeure* when the manufacturing process is subjected to an interruption impossible to foresee, and not of a periodical character;

- (b) In industries where the materials used, whether as raw materials or in any manufacturing process, are of a highly perishable nature, where necessary, in order to prevent damage to the materials in question.

- (c) In the glass industry, in the case of young persons employed in "gathering" the liquid glass from the furnaces, provided that:

1. The period of their employment at night shall be limited by law, and



2. The number of young persons so employed is limited to that required for the purpose of training the necessary number of skilled workmen.

This exception to be allowed only as a temporary measure;

(d) In iron works, for young persons employed in rolling, provided that they are over sixteen years of age.

4. The Delegates' Meeting expresses no opinion on the resolution adopted at Geneva, in 1906, recommending that night work should be absolutely forbidden "in all places where goods are exposed for sale, hotels and public houses, as well as in counting houses, etc." and refers the same back to the Special Commission for consideration.

5. The night's rest shall last at least eleven hours, and shall, in all cases, include the period from 10 p. m. to 5 a. m.

6. Provision may be made for periods of transition.

7. The Delegates' Meeting expresses the hope that inspection will be efficiently carried out.

8. The Delegates' Meeting maintains that the regular night work of young persons is always to be regarded as an abuse, which, in principle, should not be tolerated in any circumstances. Until it is possible to abolish such night work entirely by means of an international agreement, the Meeting invites all the national Sections to work actively to secure the removal or diminution of this abuse.

#### VI. *Maximum Working Day.*

In pursuance of the principles adopted by resolution of the Fourth Delegates' Meeting, held at Geneva, respecting the maximum working day, namely:

"1. The determination by law of a maximum period of daily work is of the highest importance for the maintenance and promotion of the physical and intellectual welfare of workmen and employees.

"2. Over and above limitations of hours of work brought about by the efforts of Trade Unions, the intervention of the legislature is necessary in order to set a limit to daily hours of work in general."

The Delegates' Meeting resolves:

1. As regards the employment of women:

The period of employment for all women subject to the provisions of the Berne Convention on the Night Work of Women, to be limited by international agreement to ten hours. This legal maximum period of employment to be introduced by degrees.

2. As regards male workers in the textile industry:

The same maximum of ten hours to be introduced by degrees for men employed in the textile industry.

3. As regards persons employed in coal mines:

(a) A maximum eight hours day to be introduced for all workmen employed below ground.

(b) The Board is requested to appoint a Commission to determine what shall be the technical definition of an "eight hours shift."

4. As regards the period of employment in smelting works, rolling mills, and glass works:

(a) In view of the fact that the information compiled is still incomplete, the Labour Office is requested to continue the study of this question.

(b) The Governments should be urged to institute inquiries into the period of employment in these industries.

(c) The Sections are requested to procure in their respective countries expressions of opinion from technical experts in the branches of industry concerned on the best methods of regulating hours of work.

## VII. Home Work.

### A. General.

1. The Delegates' Meeting draws further attention to, and reaffirms the measures recommended at Geneva in 1906 (Compulsory registration, publication of wage lists, extension of inspection, social insurance, sanitary regulations, promotion of trade organizations consumers' leagues *etc.*).

2. The Delegates' Meeting is of the opinion that in introducing the above measures and those recommended below, consideration must always be given to the special characteristics of the various domestic industries.

3. The Delegates' Meeting considers that bad conditions in home work are due primarily to inadequacy of wages, and that, consequently, it is of the first importance to find means of raising wages.

To this end the Delegates' Meeting—

(a) Urges the formation of trade organizations amongst home workers, the conclusion of collective agreements, and the legal recognition of such agreements in countries where the law fails at present to recognize the same;

(b) Requests the Sections to make inquiries as to how far it would be practicable to introduce in their respective countries a law giving the Courts power to annul agreements for starvation wages and wage agreements of an usurious nature, and to punish employers who conclude such agreements;

(c) Requests the Sections—

(1) To study the question of the organization of wages boards;

(2) In cases where trade organization has proved unworkable, and where conditions permit, to invite their Governments to try the introduction of minimum wages by appointing joint wages boards to determine rates of wages; for this purpose use could be made, if desired, of the provisions of the English bill on the subject. Any such experiment should be made first in those domestic industries where it could apparently be most easily enforced, and where the work in question is the main occupation of the majority of the persons concerned;

(3) To report to the Association on the results attained; the British Section is, in particular, requested to report regularly on experience gained in the United Kingdom.

4. In view of the wide scope of the home work problem, the Delegates' Meeting is of opinion that it is not at present practicable to consider all the other measures proposed, especially the extension of labour laws to home work. The consideration of these questions is, therefore, postponed to a future meeting.

5. The Delegates' Meeting invites the National Sections to study means whereby it may be rendered possible in practice to subject home workers to factory legislation (normal periods of employment, hygiene and security in workplaces). For this purpose existing legislation and legislative proposals should be taken into consideration.

B. Machine-Made Swiss Embroidery (*Schiffstickerei*).

The Delegates' Meeting requests the German, Austrian, Ameri-

can, French, and Swiss Sections to investigate the question whether the regulations relating to conditions of work in the embroidery trade proposed in the memorial drafted by the Board, could be made the basis of international negotiations between the countries concerned. The Sections in question are requested to report to the Board, who will then decide whether a special commission should be convened to consider the matter.

VIII. Industrial Poisons.

A. White Phosphorus.

The Delegates' Meeting thanks the Austrian and British Sections for their scientific work, their efforts to arouse public opinion, and their Parliamentary activities, as a result of which the adhesion of their Governments to the convention prohibiting the use of white phosphorus is expected. The Meeting also thanks the Spanish and Hungarian Sections, which, with a like end in view, have instituted inquiries and presented petitions. The Board is instructed to express the thanks of the Association to the Governments in questions, as soon as the prohibition in question is introduced, and to thank the British Government without delay for introducing a Bill to prohibit the manufacture and importation of white phosphorus matches, and also the Austrian House of Representatives for the resolutions it has adopted in this sense, and the Austrian Government for their sympathetic attitude.

The Board is requested to continue its efforts in those countries which have not yet joined in the Berne Convention, especially in Belgium and Sweden.

The dangers to the consumer attached to the use of white phosphorus matches make it desirable for countries where such matches are not produced, but only imported (*e. g., Australia*), to prohibit their importation. Such prohibition would incidentally facilitate the introduction of the prohibition in countries which have, as yet, refused to adhere to the Berne Convention merely out of consideration for their export trade.

B. Lead.

1. Painting and Decorating.

The Delegates' Meeting repeats the wish, expressed at previous meetings, that the use of lead paints and colours should be pro-



hibited. In particular, the Meeting is decidedly of opinion that, according to present-day experience, the use of white lead can be dispensed with for internal painting and decoration, and could, therefore, be prohibited. As regards the use of lead paints and colours for all other classes of painting, in particular the use of white lead for external painting and of red lead for other classes of work, the Meeting considers that it would be advisable for the Governments to institute experiments respecting the possibility of prohibiting its use. The Meeting draws further attention to the Geneva resolution inviting the Sections to report to every Delegates' Meeting on the state of affairs in their respective countries.

Until a general prohibition of lead paints and colours is introduced, all vessels and cases in which substances containing lead are distributed for purposes of trade or use, should be marked in an unmistakable manner, so as to show that their contents contain lead and are poisonous. Workmen employed in preparing or manipulating paints and colours containing lead should always have their attention drawn to the danger of poisoning.

All workmen so exposed to danger, even those employed in small workshops and those who do not work in a definite establishment, should be medically examined at regular intervals.

## 2. Ceramic Industry.

The Delegates' Meeting resolves that an International Commission, consisting of three experts, be appointed, with the duty of compiling regulations for the prevention of lead poisoning in the ceramic industry. The results arrived at by this Commission shall be submitted to the national Sections for consideration at least one year before the convocation of the next Delegates' Meeting. The criticisms of the Sections shall be forwarded within six months to the Commission, who shall hand in their final draft to the Board within the following three months.

The following principles shall be taken as the basis of the deliberations of the Commissions:

1. The use of lead glazes to be restricted as far as possible. To this end the Governments should encourage and promote the introduction of leadless glazes by official researches undertaken

in collaboration with the interested parties, and, in general, promote technical and hygienic improvements in the ceramic industry through the medium of technical schools and lectures.

2. In so far as lead glazes necessarily continue in use, soluble lead constituents should be replaced by well fritted and, as far as possible, insoluble compounds.

3. The preparation of lead fritts and glazes should be effected as far as possible in special glaze factories, or in perfectly adapted glaze departments of large firms.

4. In small potteries with low temperature furnaces, either well fritted glazes or galena (not red lead or litharge) should be used, according to technical requirements. Further, in the very smallest undertakings (domestic industry) workrooms should be separated from dwelling-rooms.

5. Even where carried on as a domestic industry, the ceramic industry should be subject to industrial inspection.

### 3. Polygraphic Industry.

The Delegates' Meeting resolves to appoint another International Commission, consisting of three experts, to prepare regulations for the prevention of lead-poisoning in the polygraphic industry. As in the case of the Commission on the ceramic industry, this Commission shall report on the polygraphic industry to the national Sections one year before the next Delegates' Meeting. The criticisms of the Sections shall be forwarded to the Commission within six months, and the Commission shall hand in its final report to the Board within the following three months.

The principles laid down in the prize essays and those purchased, and in the reports presented by the Sections, and the recommendations set out below, shall be taken as the basis of the deliberations of the Commission as far as concerns the typographical industry.

Experience has shown the excellent working of the general hygienic provisions regulating conditions of work in the letterpress printing trade contained in the German Order. But these provisions would need to be extended and supplemented in order to be applicable under present conditions in all countries. In particular, the questions of cleanliness and ventilation, and of temperature in rooms where lead is melted for type-setting

machines, stereotyping, or type-founding need to be regulated in detail. Further, it would seem desirable to prohibit eating and smoking in workrooms, to prohibit the employment of women in typefounding, and to introduce provisions requiring type cases to be cleaned by suction. Provisions regulating the use of lead colours, similar to those proposed for painting and decorating, should be introduced also in the polygraphic industry. Lead and bronze dust generated in processes regularly carried out, should be drawn off by an apparatus from which the dust cannot escape. As a general rule, the different branches of work in the polygraphic industry should be carried on in separate rooms.

C. List of Industrial Poisons.

The Delegates' Meeting resolves that the list of poisons drawn up by Professor Sommerfeld be referred to the Sections for consideration.

IX. Working in Caissons.

The Delegates' Meeting resolves to entrust, at an early date, the compilation of a comprehensive report on work in caissons to a small Special Commission of experts. This Commission shall present its report to the Board for the use of the Sections within one year at latest.

X. Workmen's Insurance: Treatment of Foreigners in Case of Accident.

I. In pursuance of Resolution IX adopted at Geneva, the Delegates' Meeting expresses the wish, that, either by national legislation, by treaties between two States, or by a general International Convention brought about by the initiative of the Government of one such State; the principle of equal rights for foreigners and subjects of a State should be brought into force, not only as regards the amount of compensation payable, but also as regards the conditions for receiving the same.

To this end the Meeting recommends adoption of the following principles already embodied in certain treaties now in force:

*Cf.* Treaty between France and Italy dated April 15, 1904

*Cf.* Treaty between Belgium and Luxemburg dated April 15, 1905

*Cf.* Treaty between Germany and Luxemburg dated Sept. 2, 1905

*Cf.* Treaty between France and Belgium dated Feb. 21, 1906

*Cf.* Treaty between Belgium and Luxemburg dated May 22, 1906

*Cf.* Treaty between France and Italy dated June 9, 1906

*Cf.* Treaty between France and Luxemburg dated June 27, 1906

*Cf.* Treaty between Germany and Holland dated Aug. 27, 1907



(a) Foreigners meeting with industrial accidents and their dependants to be placed in the same position as subjects of a State, in respect of compensation for injuries resulting from such accidents, both as regards the amount and the conditions under which it is payable.

(b) In the case of transport undertakings extending over two countries, the law of the country where the undertaking has its domicile shall apply in respect of the travelling staff, regardless of the relative extent of the business done in the two countries respectively.

The travelling staff remain under the said law, even though occasionally employed in work which is attached to some other department of the undertaking.

(c) Similarly in the case of undertakings carried on in both countries, the law of the country where the undertaking is domiciled shall continue to apply in the case of workmen and employees who are only temporarily employed, and that for less than six months, outside the country where the undertaking is domiciled.

(d) If an industrial accident occurs for which compensation is undoubtedly payable, but a doubt arises as to who is liable to pay the compensation or as to which legislation should apply, the insurer who is first concerned with the case shall pay compensation provisionally to the person entitled to receive the same, until the incidence of the liability is finally determined.

Provisional compensation so paid shall be reimbursed by the person found liable to pay the compensation.

(e) In enforcing the laws in question, the official bodies concerned shall render each other mutual assistance.

They shall be bound to make the necessary inquiries for the determination of the facts of any case.

The procedure for dealing with cases of accidents to foreigners should be made as simple and expeditious as possible.

(f) Documents, certificates, *etc.*, drawn up and delivered by one State to another in administering laws relating to industrial accidents, shall not be subject to any fees or taxes beyond those which would have been imposed, under the circumstances, in the country of origin.



2. The Delegates' Meeting requests the Sections of those countries which are backward in the matter of treaties respecting the insurance of foreign workmen, to promote the conclusion of such treaties as soon as possible, and, in order to facilitate their work, to enter, if possible, into communication with the Sections of the Association in the other countries concerned.

(*Publications of the International Association for Labor Legislation*: No. 6. pp. 111-121.)

## EXHIBIT 17

*Resolutions of the Sixth Delegates' Meeting at Lugano (Sept. 26-28, 1910.)*

### SUMMARY.

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|--|---|
| I. International Labour Conventions of Berne, 1906.  | E. Eight-hour shift in mines.   |
| II. New Sections and Constitutions of Sections, Finances and "Bulletin," Co-operation with other International Associations, Exhibitions of Hygiene at Dresden and Rome, Place and Date of the next Meeting. | F. Hours of work in specially dangerous industries.                                     |
| III. Administration of Labour Laws.  | VII. Workmen's holidays.  |
| VI. Child labour.  | VIII. Homework.   |
| V. Maximum working day.  | A. General.   |
| A. Ten hour maximum working day for women in establishments employing ten or more workers.   | B. Machine-made Swiss embroidery.   |
| B. Ten hour maximum working day for young persons.   | IX. Industrial poisons.   |
| C. Ten hour working day for men in textile industries.   | A. White phosphorus.  |
| D. Working day in continuous processes.  | B. Lead.  |
|  | (a) Painting and decorating.  |
|  | (b) Ceramic industry.   |
|  | (c) Polygraphic industry  |
|  | C. Protection of homeworkers from industrial poisons.                                   |
|  | X. Work in compressed air.  |
|  | A. Work in caissons.  |
|  | B. Divers.  |
|  | XI. The protection of railway servants and prevention of accidents. Automatic coupling. |
|  | XII. Workmen's insurance.   |

NB. Subjects newly introduced in the programme of the Association are marked #. Items of the Lugano programme are marked ##.

I. INTERNATIONAL LABOUR CONVENTIONS OF BERNE, 1906.

(1) The Bureau is instructed to petition the Danish and Spanish Governments to ratify at an early date the Berne Convention of September 26th, 1906, respecting the night work of women.

The Bureau is instructed to take appropriate measures to secure the accession of Norway, Russia and Finland, Turkey, East India, the Australian and Canadian Colonies, and South Africa, to this Convention.

(2) The Delegates' Meeting expresses its most cordial thanks to the French, British and Dutch Governments for the adhesion of their colonies and protectorates to the Berne Convention of September 26th, 1906, respecting the prohibition of the use of white (yellow) phosphorus in the match industry, to the Australian Commonwealth for prohibiting the use of white phosphorus, to the American Section for its efforts in this direction in the United States, and to the Hungarian Minister of Commerce who has announced that the prohibition of white phosphorus will most probably be introduced in Hungary at an early date.

The Bureau is instructed to persevere in its efforts to procure the adhesion of countries which have not yet joined the Convention and, especially Belgium, Norway, Sweden, India, South Africa and Japan.

II. NEW SECTIONS AND CONSTITUTIONS OF SECTIONS. FINANCES AND "BULLETIN." CO-OPERATION WITH OTHER INTERNATIONAL ASSOCIATIONS. EXHIBITIONS OF HYGIENE AT DRESDEN AND ROME. PLACE AND DATE OF THE NEXT MEETING.

A. New Sections and Constitutions of Sections.

The constitutions of the Norwegian and Swedish Sections are approved.

B. Finances and "Bulletin."

(1) The Delegates' Meeting acknowledges with satisfaction the reports of the Bureau, the Treasurer, and the International Labour Office, and thanks them heartily for their activity.

(2) The treasurer's accounts, vouchers and cash have been audited and found correct.

(3) The Budget for 1910 and 1911 is approved. The Meeting

approves the advance payment of 3000 frs., requested and made in consequence of the issue of the English edition of the "Bulletin" having been expedited. In renewing contracts for the publication of the "Bulletin" every effort shall be made to reduce the cost of printing.

(4) The Delegates' Meeting expresses to the Government of the United States its hearty thanks for the increase in its appropriation.

(5) The Delegates' Meeting instructs the Bureau to express to the British Government its hearty thanks for sending official representatives, and, at the same time, to convey to it, by these delegates, a request that the British Government may make a contribution towards the expenses of the International Labour Office, as is done by the Governments of all the industrial States of Europe and by the United States of America. This request shall emphasize the fact that such a contribution will be mainly applied to meeting the expenses of the English edition of the "Bulletin," which is translated and printed in England. In case the Government of Great Britain should make an appropriation for the International Labour Office, the Bureau is authorized, in its discretion, to contribute towards the expenses of translating the "Bulletin" into English a sum not exceeding in any year the sum actually received from the British Government.

C. Co-operation with other International Associations.

The Bureau is authorized to enter into communication with other Associations whose aims are similar to those of the International Association for Labour Legislation, in order to come to an understanding regarding any financial or economic questions in which they may have a common interest.

D. International Exhibitions at Dresden and Rome.

The Delegates' Meeting leaves the Bureau free to exhibit at the Exhibitions of Hygiene at Dresden and Rome any statistical tables or publications relating to industrial hygiene.

E. Place and Date of the Next Meeting.

The Delegates' Meeting resolves that the next (VIIth) Delegates' Meeting of the International Association shall take place in the autumn of 1912 in Zurich.

III. Administration of Labour Laws.

## THE INTERNATIONAL PROTECTION OF LABOR

(1) The Delegates' Meeting takes note of the proof of the first comparative report drawn up by the International Labour Office on the measures adopted in European countries to enforce labour laws. This proof shall be submitted to the Sections with a view to its being amended and supplemented.

#(2) The Bureau is instructed to request the Governments, with a view to making the administration of labour laws in the different countries comparable, to supply data at least on the following points:

1. The nature and number of the establishments subject to inspection and of workers affected:

2. The number of establishments actually inspected and of workers affected;

3. The number of visits of inspection paid by inspectors, distinguishing visits paid at night;

4. The number of cases where persons were cautioned or where penalties were imposed for infringements of the law;

5. The nature and results of arrangements for securing the co-operation of the workers in the enforcement of the law:

- (a) By including workers in the staff of inspection;

- (b) By the institution of regular relations between the inspecting staff and organized and unorganized workers;

- (c) By giving workmen's trade unions the right to take legal proceedings.

The data desired under 1 to 3 above should be classified according to industries.

The headings of the tables in inspectors' reports should be given in one of the three principal languages.

### ## IV. CHILD LABOUR.

A special Commission is appointed with instructions to examine the execution, in the several countries, of the laws for the protection of child labour, and to prepare a comprehensive compilation of the results of the investigations undertaken by the Sections in pursuance of the Lucerne resolutions.

### ## V. NIGHT WORK OF YOUNG PERSONS.

Being convinced that the Lucerne resolutions form an adequate basis for the international regulation of the night work of young persons, the Delegates' Meeting instructs the Bureau to



request the Swiss Federal Council to invite the Governments to an international Conference on the subject.

The Meeting instructs the Sub-Commissions to continue its work in pursuance of the Lucerne resolutions and to inquire whether the exceptions to the prohibition of the night work of young persons declared by the Lucerne resolutions to be permissible could not be further limited in the case of young persons employed in glass works and rolling mills. These investigations shall be continued until such time as the request for the international regulation of the question shall be presented to the Swiss Federal Council.

Being convinced that it is reasonable to determine a definite period for the application of transitory provisions, the Delegates' Meeting resolves that Resolution V, 6, of the Lucerne resolutions shall read as follows:

"Any transitory provisions applicable to rolling mills and glass works, contained in an international convention for the regulation of the night work of young persons, should apply only for a definite period, which it is suggested should be fixed at five years."

The Meeting is of opinion, that, in the absence of sufficient information, it would not be expedient to include in an international convention the question of the night work of young persons in hotels, restaurants and public houses, shops and offices. Notwithstanding, the Meeting wishes to draw the attention of the various National Sections to the interest which every country has in the legal limitation of the night work of young persons of both sexes in these occupations.

## VI. MAXIMUM WORKING DAY.

##A. Ten Hour Maximum Working Day for Women in Establishments Employing Ten or More Workers.

The Delegates' Meeting confirms the resolutions of the Fifth Delegates' Meeting, and, in view of the fact that several States have by national legislation introduced the ten hour working day for women, believes that the time has come to extend this ten hour working day to all States by international treaty, at least in the case of establishments employing ten or more workers.

The Bureau is authorized to take such steps as may be neces-

sary to bring about such a treaty, and to draw up a memorandum on the subject.

The Sections shall for this purpose report to the Bureau by 1st February, 1911, on the present state of legislation and legal decisions on the hours of work of women in their countries. The Memorandum of the Bureau shall be laid as soon as possible before a Special Commission of five members.

**## B. Ten hour Maximum Working Day for Young Persons.**

In view of the fact that several States have by national legislation introduced the ten hour maximum working day for young persons, the Delegates' Meeting believes that the time has come to extend the same by international treaty to all States.

The Bureau is authorized to take the steps necessary to bring about such a treaty and to prepare for this purpose a Memorandum which will take into consideration the special circumstances in individual States and define exactly any exceptions which may be necessary.

The Sections shall for this purpose report to the Bureau by 1st February, 1911, on the present state of legislation and legal decisions on the hours of work of young persons in their countries.

The Bureau's Memorandum shall be laid as soon as possible before the Special Commission on the maximum working day for women.

**C. Ten Hour Working Day for Men in Textile Industries.**

The Commission considers it unnecessary to consider again the question of limiting the working day of men in the textile industries, since it is of opinion that the limitation of the working day of women necessarily involves the limitation of the working day of men.

It reserves the right, however, to take up the Lucerne resolution again, at a later date, if experience should show that this is necessary.

**#D. Working Day in Continuous Processes.**

The Delegates' Meeting considers the twelve hour day, which is still the general custom in continuous processes, to be injurious to health. In particular, working periods of 18, 24 and even 36 hours (in changing shifts) are to be condemned.

The Bureau is instructed to appoint a Special Commission as

soon as possible and to present to it the material which is now available as well as any further material which may be secured through the aid of the National Sections.

This Commission shall report in particular on the following points:

1. On the best methods of arranging shifts;
2. On the possibility of prohibiting the night work of adults in certain continuous processes or of regulating such work where for technical reasons work must be carried on at night;
3. On the necessity for the international regulation of this matter.

The Delegates' Meeting expects this Commission to prepare its report and proposals for reform as soon as possible, and at any rate in time for the next Meeting. A Sub-Commission may be appointed if necessary to investigate the conditions of certain industries, such as the iron and glass trades.

E. Eight-hour Shift in Mines.

In pursuance of the resolutions of the Fifth Delegates' Meeting of the International Association for Labour Legislation with regard to the definition of the eight-hour shift for workmen employed below ground in coal mines, the Sixth Delegates' Meeting is of opinion that the length of a shift should be reckoned as the period between the time when the first man of such shift to descend leaves the surface until the time when the first man of the shift to return completes his ascent to the surface.

The Bureau is requested to recommend to the various States to take this definition as the basis of their legislation regulating the duration of shifts.

In applying the above definition, the Sixth Delegates' Meeting re-affirms the Lucerne resolution of 1908 recommending the introduction by law of a maximum eight-hour shift for all underground workers in coal mines.

## F. Hours of Work in Specially Dangerous or Unhealthy Industries.

The Delegates' Meeting re-affirms the resolution of 1906 and at the same time declares that it is desirable for the proper authorities to have legal power to regulate the daily period of employment of adult men in processes and trades especially dangerous to health.



Accordingly the Delegates' Meeting expresses the desire that the Bureau will place this subject upon the agenda of the next meeting.

# VII. WORKMEN'S HOLIDAYS.

The question of holidays for workmen and employees shall be placed upon the agenda of the Next Delegates' Meeting.

The Bureau is instructed to prepare a summary of existing laws on this subject in the various countries and to draw up statistical tables showing the number of establishments in which holidays are allowed, and the numbers of workmen and employees affected.

VIII. HOMEWORK.

A. General.

(1) The Delegates' Meeting re-affirms the declaration of the Delegates' Meeting at Lucerne that the miserable position of the home worker is due primarily to inadequate payment and that consequently it is of the first importance to find means of raising wages.

Having this end in view:

I. The Delegates' Meeting recommends afresh the organization of homeworkers in trade unions and the conclusion of collective wage-agreements. The Meeting regards the unfettered right of combination as the necessary basis of such collective agreements. In countries where collective agreements are not yet legally recognized under existing law, recognition should be secured in such a manner as to ensure their legal validity and their extension when required to homeworkers in the same occupations who were not originally concerned in the conclusion of the agreements. The Delegates' Meeting urges the National Sections to get into touch with existing organizations of workers with a view to promoting the conclusion of collective agreements with employers' federations.

II. The Delegates' Meeting recommends the adoption by legislation of the principle that wage agreements for insufficient amounts or of an usurious nature should be null and void, and that the conclusion of such agreements should be subject to penalties. The Meeting regards this principle as essential, but at the same time it recognises that the difficulties of its application are such as to prevent its adoption from being in any degree a practical solution of the problem.



III. The Delegates' Meeting is of the opinion that at the present time there is no really effective remedy for the evils of home work but the establishment of wages boards such as those provided for in the British Act. The Meeting is of the opinion that in setting up these wages boards the following principles should be observed:—

(a) The boards should have power to fix minimum rates of wages for home workers in certain industries and certain districts.

(b) The average daily earnings of persons employed in workshops in the manufacture of the same articles should not fall below those of home workers paid under the conditions contemplated above.

(c) The Delegates' Meeting is of the opinion that no legislation for fixing minimum rates of wages for home workers can be effective unless it provides for the imposition of penalties upon employers who fail to pay the prescribed rates of wages.

(d) The Delegates' Meeting is of the opinion that Inspectors should be appointed to enforce the payment of the prescribed rates of wages.

(e) Trade associations of employers and workers should have power to take legal proceedings arising out of the legislation contemplated above.

(2) The Meeting reiterates and re-affirms the measures recommended at Geneva and Lucerne (Compulsory registration, publication of wages lists, extension of inspection, social insurance and sanitary regulations, promotion of trade unions, consumers' leagues, etc.).

(3) The Sections shall report to the Bureau every year on June 1st on the organisation of wages boards, the methods of determining rates of wages and the consequent results, as well as on the realisation of the resolutions of the Delegates' Meetings at Basle, Geneva and Lucerne. The Bureau shall then compile a comparative report and incorporate the same with future editions of the Comparative Report on the Administration of Labour Laws.

(4) The Delegates' Meeting congratulates the British Government and Parliament on their successful initiative in the matter of the protection of home workers. In addition the Bureau

is instructed to express to the British Board of Trade the warmest thanks of the Association for the Memorandum on the Trade Boards Act presented to the Meeting.

B. Machine-made Swiss Embroidery.

The Delegates' Meeting considers that it is desirable for hours of work in the Machine-made Swiss embroidery trade where carried on as a home industry, to be uniformly regulated in all the countries concerned.

The Board is instructed to approach the interested parties through the medium of the Sections, and to convene, if possible within a year, a meeting of a Special Commission (consisting in the first place of representatives of Germany, Austria, Italy, France and Switzerland) appointed to report to the next Delegates' Meeting on appropriate measures to be adopted on this matter, including transitory provisions.

The Sections concerned are requested, within their respective spheres, to take such steps as may seem good to them to secure the adoption of a uniform system of regulation and to promote at the same time measures for the protection of the home industry in question, and, in particular, the institution or encouragement of so-called crisis funds, which could be secured for instance by an agreement between Switzerland and the district of the Vorarlberg where the industry is carried on.

Should the Special Commission agree in the meantime upon such uniform regulations, the Bureau shall have authority, in its discretion, to submit the same to the Governments concerned.

IX. INDUSTRIAL POISONS.

A. White Phosphorus.

(See I International Labour Conventions of Berne 1906, 2.)

B. Lead.

(a) Painting and Decorating. The Delegates' Meeting is of the opinion that the time has come to prohibit the use of lead paints and colours for interior work and to require that all receptacles containing such colours shall be clearly marked to that effect. The Bureau is instructed to approach the National Sections on the matter, being guided by the principles set forth in the petition submitted to the Meeting. The Sections are requested to give the petition their active support on its presentation to their Governments.

(b) Ceramic Industry. The Delegates' Meeting resolves to recommend to the Governments, by means of a petition presented by the Bureau, the following principles for the regulation of hygienic conditions in the ceramic industry.

*Principles for the Regulation of Hygienic Conditions in the Ceramic Industry.*

I. The Governments should take steps towards the abolition of the use of lead in the ceramic industry.

To this end the following measures should be adopted:

1. In the manufacture of china and earthenware fired at a high temperature the use of lead glaze should be prohibited.

2. As regards the manufacture of earthenware fired at a low temperature a provisional list of articles should be drawn up which can at the present time, be manufactured without lead. This list, which would be subject to extension, should contain articles of common use such as pots, washing basins, dishes, mugs, bowls, *etc.*, electrical insulators, *etc.*

3. As regards the manufacture of common pottery and plain stove tiles fired at a low temperature, such as are manufactured on the Continent both in small workshops and in the workers' homes, litharge and red lead should be replaced by galena or any other less dangerous glaze. The preparation and use of unfritted glazes and the fritting process should be prohibited in such works.

The following measures would tend to encourage the gradual adoption of leadless glazes in the ceramic industry:

(a) The instruction and assistance of all occupiers in the industry wishing to make a practical trial of the use of leadless glazes.

(b) The strict enforcement of hygienic regulations in works using lead glazes.

II. Existing regulations for factories and workshops should alone apply to establishments where leadless glazes are exclusively and permanently used.#

Factory Inspectors should have power to take, for purposes of analysis at any stage and at any time, samples of glaze and of the substances used in the preparation of the same.

III. The following regulations should be adopted in the case of works using lead glazes:

1. The proper authorities shall have power to require, where necessary, the glazes used to be modified in order to prevent injury to the health of workmen employed in contact with the same.

2. The mixing, grinding and transportation of lead glazes as well as the lead used in their preparation, shall be effected either in a thoroughly damp state or in apparatus which permits no dust to escape.

3. Frit-kilns must be so arranged that the molten frit can flow off into water, and frits must always be drawn off in such a manner.

4. Calcining shall be effected in a place separated from all the other workplaces, and exhaust ventilation in good working order shall be placed over the openings of the furnace.

5. Effective exhaust ventilation shall be applied in a suitable manner at all points where dust is generated, such as the openings of grinding and mixing apparatus, of transport apparatus, and of frit-kilns, and benches where glazes are applied in a dry state, where glazes or colours are applied by dusting, or where ware-cleaning is carried on.

All places where lead glazes or the lead used in their preparation are handled must be at least 3.5 metres in height and 15 cubic metres of air-space shall be allowed for each workman.

The floor must be impervious and washable, and the walls covered to a height of two metres, with a smooth and washable coating or paint.

6. No glazes shall be manufactured or used in living or sleeping rooms, and no lead glazes or lead used in their preparation, or pottery covered with unfired glaze shall be brought into or stored in such rooms.

Where more than five persons are employed full time in an

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# Within the meaning of these provisions leadless non-poisonous glazes shall mean all compositions or frits used for glazing in the ceramic industry which contain not more than 1% of lead. Compositions containing no lead compound other than galena shall be held to be leadless. All other glazes shall be held to contain lead within the meaning of these provisions.



undertaking the said processes shall not be carried on in living or sleeping rooms or in rooms where other work is carried on, nor shall glazes, the lead used in their preparation, or pottery covered with unfired glaze be brought into or stored in such places.

7. On the conclusion of a suitable period or transition no female person shall in any circumstances be employed in any kind of work whatsoever which would bring her into contact with unfired lead glazes or compounds or with the lead used in their preparation. No male young persons under eighteen years of age shall be employed in such work except in so far as may be necessary for the purposes of learning the trade.

No young persons under eighteen or women shall be employed in any circumstances in the calcining process or in cleaning places where the above-mentioned substances or objects covered with unfired glaze have been manipulated or stored.

8. Hours of work shall be reduced for all persons employed in the processes mentioned in the preceding paragraphs in proportion to the dangers attendant upon the respective processes, and especially in the case of workmen in the calcining process, who shall not be so employed continuously.

9. All workpeople employed in the manufacture of glazes containing lead, as well as those who come into contact with raw glazes or the lead used in their preparation, shall wear special working clothes.

10. The employer shall supply without charge a sufficient quantity of suitable working clothes, drinking and washing water, glasses, soap and towels. The employer shall provide for the washing of the said working clothes and towels.

11. No person shall eat, drink or smoke in, or bring any food, drink or tobacco into places where lead glazes or the lead used in their preparation are handled, or which are used for storing these substances or pottery covered with unfired lead glazes.

12. The workpeople in question shall be examined every three months by a medical practitioner, appointed by the State Authorities. The result of the examinations shall be entered in a register kept for the purpose which shall be open to inspection by the inspecting authority.

13. No workman who is suffering from lead-poisoning, or who has been found by the medical practitioner named in Section 12 to be unfit on medical grounds for work in contact with lead, shall be employed in the above mentioned branches of the trade, or in rooms where such work is carried on, during such period as may be fixed by the medical practitioner, but the employer shall employ him elsewhere.

14. Two cloak-rooms shall be provided, one for working and one for outdoor clothes, with a suitable lavatory and bath-room between the two. A messroom shall also be provided.

In small undertakings there shall be provided at least dust-proof cupboards where the workers' outdoor and working clothes shall be kept separately, and lavatory accommodation.

15. Employers shall give all workpeople contemplated in paragraph 9 on their entering the employment printed instructions as to the dangers of lead poisoning and its prevention, and shall affix such instructions in the workplaces.

16. In the case of establishments using lead glazes so composed that the consequent risk to health is small, temporary exemptions from the preceding provisions may be allowed by the authorities in exceptional circumstances.

(c) Polygraphic Industry. The Delegates' Meeting resolves to recommend to the Governments by means of a petition presented by the Bureau, the following principles for the regulation of hygienic conditions in the polygraphic industry.

*Principles for the Regulation of Hygienic Conditions in Printing Works and Type Foundries.*

(1) All places in which employees come into contact with lead or its alloys or compounds shall be well lighted and easily heated and ventilated. There must be an allowance of at least 15 cubic metres of air space and three square metres of floor space for each person employed. Workrooms in new premises shall be at least 3 metres in height.

(2) Work contemplated in Section 1 which causes any considerable amount of dust or an appreciable rise of temperature (such as the melting of lead or type-metal, the use of more than one monotype or linotype machine, stereotyping, finishing and dressing type, and bronzing with powdered bronze) shall be car-

ried out in separate workrooms which must not be in a basement, except where the work is carried on only in exceptional circumstances. In large establishments the composing rooms must be separate from other work-rooms.

(3) Rooms must be well lighted with both natural and artificial light, so as to protect adequately the eyesight of the persons employed, consideration being paid to the nature of the work.

(4) The floors of all places mentioned in Section 1 shall be without cracks and washable or covered with a substance for preventing dust. The walls must be covered to a height of two metres with a smooth washable coating or paint of light colour. No shelves or other appliances where dust can accumulate shall be fitted up, except such as are necessary for the work.

(5) In larger establishments suitable lavatories and cloak-rooms separated from the workrooms shall be provided. In small establishments arrangements shall be made for employers to keep their outdoor and working clothes in separate cupboards, and lavatory accommodation with sufficient water laid on, together with a plentiful supply of drinking water shall be provided. In type foundries, large printing works and works where night work is the rule, mess rooms shall be provided.

(6) Women and young persons under eighteen years of age shall not be employed in the occupations contemplated in Section 1, provided that apprentices may be employed in any occupations for the purposes of learning the trade, but shall in no circumstances clean the workrooms or cases. The question of whether women should be admitted or excluded from the occupations of composing and operating type-setting machines, shall be definitely decided after thorough investigations have been made (see last paragraph) into the degree of danger attending these occupations.

(7) The floors of all workplaces, cloakrooms and lavatories, shall be cleaned every day. Once a week all rooms shall be thoroughly cleaned, and after working hours as far as work-rooms are concerned. A sufficient number of spittoons shall be provided. The workrooms shall be thoroughly aired several times a day.



(8) Compositors' tables and shelves must be fixed close to the floor, or else arranged in such a way that there is a distance of at least 25 centimetres between the floor and the lowest shelf. Cases in regular use must be cleaned when necessary and not less often than once in three months; other cases must be cleaned before use. The cleaning of the cases shall be effected by suction, or where necessary in the open air provided that suitable precautions are taken to protect the workers from dust.

(9) Melting pots and crucibles shall be fitted with sufficiently large pipes for drawing off their contents, and the crucibles and pipes shall be covered so as to be heat proof.

The temperature of workplaces where founding, stereotyping or typesetting by machinery is carried on shall not exceed 25° centigrade, unless the outdoor temperature exceeds 18°C in the shade, in which case the difference shall not exceed 7°C.

(10) Colouring matter containing lead shall be prepared by mechanical means only.

(11) Bronzing with bronze powder shall be effected only by machines allowing no dust to escape and provided with exhaust ventilation. Bronzing with bronze powder shall not be effected by hand, except where the work is undertaken only in exceptional circumstances and rarely, in which case respirators covering mouth and nose shall be worn.

(12) All workmen employed in occupations contemplated in Section I shall wear washable working clothes.

(13) No unpurified and injurious substances shall be used to clean rollers or type, *etc.*

(14) No persons shall eat, drink or smoke in the workplace, or bring any food, drink or tobacco into them.

Workmen shall wash their faces, mouths and hands before every break in work, and before leaving work. The employer shall provide without charge towels and soap and for each workman a separate glass for rinsing the mouth.

(15) Workmen employed in composing, in melting and casting type, in linotyping, in stereotyping and in finishing and dressing type, shall be medically examined every three months by a medical practitioner, approved by the State authorities for the purpose.



Persons whom the medical practitioner shall declare unfit shall not be employed in the occupations contemplated in Section I during such period as may be prescribed by him. The employer shall be bound to employ such persons in some other manner.

All apprentices shall be medically examined before beginning their apprenticeship.

#In view of the inadequate and inexact nature of the documentary information available on the extent to which compositors and the operators of type-setting machines are exposed to the danger of poisoning, a fresh investigation shall be undertaken, the results of which shall be laid before the Delegates' Meeting at Zurich in 1912. (See paragraph 6.)

C. Protection of Homeworkers from Industrial Poisons.

The question of the protection of homeworkers from industrial poisons shall be placed upon the Agenda of the next Delegates' Meeting.

D. List of Industrial Poisons.

The Delegates' Meeting takes note of the admirable list of industrial poisons drafted by Prof. Sommerfeld and amended by Dr. Fischer and the Commission in the light of practical experience, and expresses its sincere thanks to these two authors.

At the same time the Meeting recognises the absolute impossibility of drawing up a complete list corresponding to industrial conditions for the time being in all countries, without the co-operation of the National Sections. The Bureau is requested to transmit to the Sections and to the Permanent Council of Hygiene the list, which is now in course of preparation by a Sub-Commission. The sections shall thereupon, with the assistance of their respective Governments, revise and supplement the list by April 1st, 1911. The Bureau shall then arrange, in agreement with the Permanent Council of Hygiene, for the publication of the list.

X. WORK IN COMPRESSED AIR.

A. Work in Caissons.

Since the protection of workers in caissons cannot be regarded as directly affected by international competition, it is not a subject for international agreement. But at the same time it is expedient for the International Association for Labour Legis-

lation to urge the various Governments to introduce legislation for the protection of Caisson workers as has been done in France and Holland. The principles here following should form the basis of such regulations.

*Principals for the Regulation of Work in Caissons.*

1. The danger to life and health to which persons working in caissons under a high air-pressure (from about 1.5 atmospheres in excess of atmospheric pressure) are in general exposed, must be regarded as appallingly great.

2. The danger can be reduced to a very considerable extent by the adoption of suitable prophylactic and therapeutic measures. The introduction of such measures consequently forms an important branch of labour legislation.

3. Protective measures cannot be expected to succeed unless they are designed on the right lines and strictly carried out. Consequently it is necessary for such regulations to be introduced by State legislation, and enforced by administrative authorities, and for contraventions to be punishable.

4. Regulations for the protection of Caisson workers should contain provisions:

(a) Requiring the admission of persons to work in caissons to be dependent upon the result of a strict medical examination.

(b) Requiring the organisation of a regular system of medical supervision on the works and wherever possible a permanent staff of medical officers.

(c) Fixing exactly the periods of employment and the manner of locking-in and unlocking, according to the depth of the works and the pressure.

d) Prescribing suitable hygienic regulations respecting the air-supply in the caisson and air-locks, variations of temperature, accommodation for workmen on the works, the conduct of workmen, *etc.*

(e) Prescribing all arrangements necessary for the safety of the workmen.

(f) Ensuring that suitable appliances for treating persons taken ill—especially a properly fitted up recompression lock—and the necessary staff for attending them shall be available.

(g) Requiring a register to be kept on the works containing:

the name and forename of every person subject to medical examination, particulars of the result of each examination, and particulars of all cases where medical treatment was given on the works and the results of the same.

#B. Divers.

Since divers, especially those employed in salvage operations, are liable to be called upon to work in foreign waters or on ships of a different nationality, it seems advisable that their occupation should be regulated by international agreement.

The members of the Permanent Council of Hygiene shall collect from every country the regulations and official and private instructions respecting diving operations.

The International Labour Office shall thereupon transmit copies of these regulations, etc., to the members of the Special Commission, which shall prepare a report of the subject for the next Delegates' Meeting.

#XI. THE PROTECTION OF RAILWAY SERVANTS AND PREVENTION OF ACCIDENTS: AUTOMATIC COUPLING.

The Bureau is instructed to make a further report to the next Delegates' Meeting regarding the international prevention of accidents and the protection of those employed on railroads and in the carrying trade. The Sections are requested to petition their Governments for the introduction of automatic couplers.

XII. WORKMEN'S INSURANCE. EQUAL TREATMENT OF FOREIGN WORKMEN.

(1) The Association requests the American Section to continue its efforts to secure the passage in the several States of the Union of suitable laws for insurance against sickness and accident, which shall not discriminate against alien workers and thus carry out Resolution IX adopted at Geneva, and Resolution X adopted at Lucerne, and it thanks this Section for the initiative which it has taken in this question of the protection of immigrants.

##(2) A Special Commission is appointed with instructions to seek ways and means by which the equal treatment of native and foreign workmen may be guaranteed, not only in respect of insurance against industrial accidents, but also in

other departments of social insurance, and to report to the next Delegates' Meeting.

(Report of the Sixth General Meeting, *Ibid.*, No. 7, pp. 160-174.)

Exhibit 18.

*Resolutions of the Seventh Delegates' Meeting at Zurich (Sept. 10-12, 1912.)*

SURVEY

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|--|---|
| 1. Publication of Reports.                             | 18. Home Work.  |
| 2. Finances.   | 19. Machine-made Swiss Embroidery.  |
| 3. Bulletin of the International Labor Office.         | 20. List of Industrial Poisons.   |
| 4. New National Section.                               | 21. Lead.   |
| 5. Co-operation with other International Associations. | 22. Handling of Ferrosilicon.   |
| 6. Next Delegates' Meeting.                            | 23. Principles for the Protection of Persons employed in Mining, the Construction of Tunnels, Stone Quarries <i>etc.</i> , on an International Basis. |
| 7. International Conventions.                          | 24. The International Prevention of Anthrax amongst Industrial Workers and of Mercurial Poisoning in Fur-cutting and Hat-making.                      |
| 8. The Administration of International Labor Treaties. | 25. Work in Caisons.  |
| 9. Child Labor.  | 26. Diving Operations.  |
| 10. Saturday Half-holiday.                             | 27. International Statistics of Morbidity and Mortality amongst the Working Classes.  |
| 11. Hours of labor in Continuous Industries.           | 28. Treatment of Foreign Workmen under Insurance Legislation.   |
| 12. Protection of Railroad Employees.                  |   |
| 13. Protection of Dock Workers.                        |   |
| 14. Hygienic Working Day.                              |   |
| 15. Workmen's Holidays.                                |   |
| 16. Legal Relations between Employers and Employed.    |   |
| 17. The Truck System and Deductions from Wages.        |   |

1. Publication of Reports.

The Bureau is requested to communicate with the national sections in order to seek means of simplifying and expediting the publication of the reports presented to the Delegates' Meeting.

2. Finances.

I. The Delegates' Meeting acknowledges with satisfaction the reports of the Bureau, the Treasurer, and the International Labour Office and thanks them heartily for their activity.

II. The Treasurer's accounts, vouchers, and cash have been audited and found correct.



The Delegates' Meeting wishes to express to the retiring Treasurer, Mr. Councillor Wullschleger, cordial appreciation of his past services.

III. The Budget for 1912 and 1913 is approved.

3. Bulletin of the International Labour Office.

The Delegates' Meeting thanks the British Government most cordially for the subvention granted to the International Labour Office, which has enabled the Office to bring out the English Bulletin in the same form as the French and German Bulletins, and to cover the expenses out of the grants from countries using the English Edition.

In view of the fact that under present circumstances the English Edition must, in the interests of efficiency, be translated and printed in an English-speaking country, the Delegates' Meeting approves the arrangements made by the Bureau in this respect.

The Delegates' Meeting, nevertheless, hopes to procure considerable increases in the contributions of English-speaking countries towards the International Association and the International Labour Office, by the foundation of new Sections, by the support of further Governments, and by increases in existing Government subventions.

4. New National Section.

The Delegates' Meeting welcomes the foundation of a Section in Finland and approves its statutes.

5. Cooperation with other International Associations.

I. The Delegates' Meeting instructs the Bureau to discuss with the Presidents of the International Associations on Unemployment and on Social Insurance, steps to promote social reform, tending to facilitate the work of the three Associations serving its ends. The Delegates' Meeting requests the Bureau, in this connection, to see that the autonomy of the International Association for Labour Legislation and the liberty to choose its branches of work and the manner of carrying them out, shall be guaranteed, and that the relations of the national Sections with the International Association shall not be interfered with in any respect. The Bureau is requested to report to the next Delegates' Meeting on the result of the negotiations in order that resolutions may be adopted on the matter. But

## THE INTERNATIONAL PROTECTION OF LABOR

the Bureau is authorised to co-operate at once, subject to the above conditions, with the two other Associations.

II. The Bureau is authorised to enter into relations with the Bureau of the International Home Work Congress with a view to co-ordinating the efforts of the two organisations.

### 6. Next Delegates' Meeting.

The Delegates' Meeting resolves that the VIIIth Delegates' Meeting shall be held at Berne in 1914.

### 7. International Conventions.

I. The Delegates' Meeting ratifies the steps taken by the Bureau.

II. The Bureau of the International Association is instructed to thank the Swiss Department of Industry very cordially for the intention they have expressed of recommending to the Swiss Federal Council to convoke, at the request of the Association, a second international conference on labour legislation.

III. The Bureau of the International Association is instructed to express to the Spanish Government the thanks of the Association for having introduced the legal prohibition of the night work of women.

IV. The Delegates' Meeting expresses most cordial thanks to the Government of New Zealand and the Union of South Africa for their adhesion to the international convention of Berne respecting the prohibition of the use of white (yellow) phosphorus in the match industry; to the Hungarian Government for the prohibition of white phosphorus in the manufacture of matches; to the Federal Government of the United States for the prohibition of the importation and exportation of poisonous phosphorus matches and the imposition of a prohibitive tax; and to the Government of the Mexican Republic for introducing the prohibition likewise. The Association wishes on this occasion to thank the American Section again for their zealous work in promoting this legislation.

V. The Bureau is instructed to continue their exertions in those countries which have not yet signed the two Berne Conventions.

VI. The Delegates' Meeting requests the Bureau to draw the attention of the national Sections to the interpretation given in different countries to the Berne Conventions. The Bureau is

recommended to insert in the quarterly reports particulars of information received from the national Sections on this matter.

8. The Administration of International Labour Treaties and of Labour Laws.

I. The Delegates' Meeting invites the national Sections which have not yet done so, to submit the petition on the reform of official statistics to their Governments.

II. Since Art. 5 of the International Convention of September 26th, 1906, respecting the prohibition of the night work of women in industrial occupations, provides that the Governments should exchange through diplomatic channels their periodical reports on the administration of laws and orders concerned with the subject of the Convention, it is desirable that these reports should be published by the Signatory States in a form such as to make it possible for each of the Governments concerned to compare the standard of administration to the labour treaties in the other Signatory States.

III. In view of the fact that it is not possible to give a reply at present to some of the questions contained in paragraphs II and III of the proposals of the Bureau, the Delegates' Meeting requests the Bureau to enter into an agreement directly with the Governments on the subject of the elaboration of uniform statistics which will enable it to publish every four years the comparative report on the administration of labour laws.

With this object the Governments shall be invited to appoint an international commission of statistical experts and inspectors of labour.

IV. The Delegates' Meeting requests the national Sections to endeavor to persuade the Governments to appoint a large number of women inspectors, and to arrange that at least one woman inspector shall be stationed in each centre of industry where the employment of women or children is general.

9. Child Labour.

The Sections are requested to establish special Child Labour Committees with the duty of:

(a) Supplying the information desired in the International Labour Office's *questionnaire*, and

(b) Reporting, on the basis of this information, to the next



Delegates' Meeting on ways and means of carrying out and extending the existing laws for the protection of children.

The Bureau shall prepare a comparative survey of these reports, and present it to the International Special Commission on Child Labour. This Commission shall submit definite proposals to the next Delegates' Meeting.

10. Saturday Half-holiday.

In view of the fact: That a free Saturday afternoon is necessary in order to give working women a real rest on Sundays;

That this institution alone is able to insure to the workers in every week a full day of family life;

That this Saturday half-holiday is already introduced wholly or partially for children, young persons and women, and even for adult workmen in the legislation of the German Empire, the United Kingdom, Greece, the Netherlands and Switzerland;

That the initiative of the employers' and workmen's associations is endeavoring to promote the extension of the Saturday half-holiday in all industrial countries;

The Delegates' Meeting desires that the Saturday half-holiday for women workers and young persons should be made the subject of an international convention; and instructs the sub-commission on the maximum 10 hours working day to draw up, in conjunction with the Bureau, a report to be laid before the next Delegates' Meeting.

11. Hours of Labour in Continuous Industries.

I. In view of the resolutions of the Lugano meeting and of the facts presented to the special Commission in London, the Delegates' Meeting is of the opinion that the eight hour shift in continuous industries (industries working night and day) is the best shift system for such work and should be strongly recommended both from the point of view of the physical and moral welfare of the workers and in the social and economic interest of society generally.

II. The Delegates' Meeting is of the opinion that the reports presented by the different national Sections have shown that in the iron and steel industries (blast furnaces, iron and steel works, rolling mills) the eight hour day is very necessary and is practicable for the shift workers.

The Delegates' Meeting instructs the Bureau to request the



Swiss Federal Council to address to the Governments as soon as possible the request to arrange a conference of the interested States with a view to arriving at an international agreement as to the introduction of the eight hour day for those workers.

III. The Delegates' Meeting is of the opinion that as regards glass works, the investigations are sufficiently advanced for the conclusion at any rate of an international convention on the basis of a working week of 56 hours on the average with an uninterrupted weekly rest of 24 hours. The Bureau is requested to choose the most favorable time for taking steps to this end.

IV. The Delegates' Meeting is of the opinion that as regards other continuous industries the national Sections should by investigations prepare the way for the introduction of the eight hour day or of a corresponding maximum week.

(a) In continuous industries, where the working day (*i. e.*, hours during which the workmen are required to be present at the works) exceeds ten hours in 24, or where each set of men works more than six shifts per week.

(b) And in those industries (*e. g.* paper and pulp mills, chemical industries) where conditions seem to be ripe for the introduction of the three shift system in many countries.

#### 12. Protection of Railway Employees.

I. The Bureau is instructed to approach the railway administrations of all countries and request them to complete the tables respecting time on duty, hours of work, night's rest, leave, days of rest.

II. These tables shall then be submitted, together with any other results from inquiries now in progress, to a special Commission consisting of seven members. This Commission shall report before the next Delegates' Meeting assembles on:

(a) The diversity in the number of accidents among employees of the same class in different countries and if possible on the causes of this diversity.

(b) The differences in the organisation of the service (time on duty, hours of work, overtime, periods of rest, length of the day of rest, days of leave) and on the causes of these differences as far as they can be ascertained.

## THE INTERNATIONAL PROTECTION OF LABOR

(c) Institutions for the settlement of disputes, respecting hours of work and wages in the railway service, and their success.

(d) The basis of statistics of sickness in the railway service.

III. The special Commission shall have authority to institute analogous investigations respecting the conditions of labour of telegraphists (including radio-telegraphists) and telephonists.

### 13. Protection of Dock Workers.

The Bureau is instructed to request the national Sections of countries having seaports to make an investigation into the labour conditions of dock workers with special reference to the number of hours worked, and to report before the next Delegates' Meeting.

When instituting investigations into the hours of work of dock labourers the national Sections shall likewise have the duty of considering the question of maximum loads for dock labourers.

### 14. Hygienic Working Day.

I. The Bureau is instructed to express the thanks of the Association to the Governments which have instituted special inquiries into the hours of labour in particularly unhealthy trades, and requests them and other Governments to extend their inquiries to other unhealthy industries which are not mentioned in the list of May, 1912. The supplementary list shall be drawn up by the Bureau after consultation with the Permanent Council of Hygiene.

II. A special Commission shall be appointed by the Bureau in agreement with the national Sections and the Permanent Council of Hygiene, with the duty of drawing up a memorial containing particulars of existing legislation, of the hours of labour actually prevailing, and of the accident, sickness and mortality rates in all trades considered to be dangerous and unhealthy, and also proposals respecting the prohibition of the employment of children, young persons and women, and the limitation of their hours of labour, and also of those of adult men. This memorial shall be submitted in proof to the next Delegates' Meeting.

### 15. Workmen's Holidays.

The national Sections are requested to approach their Gov-

ernments with a petition that they will complete the inquiries into workmen's holidays.

16. Legal Relations between Employers and Employed.

The Delegates' Meeting requests the Bureau to ask the Sections whether and how far they are disposed to draw up a statement of the existing legal prescriptions and customs in their countries which regulate the individual and collective relations between employers and employed both in the course of and outside employment, and to communicate the results to the International Labour Office.

17. The Truck System and Deductions from Wages.

I. In view of the abuses which have arisen, in a great number of industries, in respect of the use of disciplinary fines and deductions for damages, as well as of the numerous varieties in the truck system (payment in kind, or by means of bonds and tickets to be drawn on the establishment of the employer), of which the general result is to reduce the wages of unskilled workers and women, the Delegates' Meeting requests the national Sections to submit to their respective Governments, in accordance with the spirit of protective legislation already in force, legislative proposals as follows:

(a) In all industries, whether carried on in the factory or the home, the payment of wages in kind or by means of bonds payable in the form of goods on sale in establishments conducted by the employers shall be prohibited in principle.

(b) The whole system of fines and deductions for damage (the case of wilful and malicious damage only excepted) shall be abolished. Provided that, even in the case of malicious damage, the employer shall not be authorised to impose any penalty without the order of the Court. Where the complete suppression of deductions does not appear to be immediately possible, such deductions shall neither be established nor exacted except by agreement either with the workpeople concerned, or with their organizations where any such organization exists.

(c) Materials (used in the process of manufacture) must be furnished gratuitously by the employer to the factory worker and the home worker alike. In the case of tools supplied to the worker by the employer any charge made by the employer shall be for the cost price only.



The Sections are requested to forward by every means in their power the drafting and discussion of Bills embodying the desire expressed by the Delegates' Meeting.

II. In certain countries there exist Pension and Thrift funds to which workmen and employees are compelled to subscribe. In case of annulment of their engagements for any cause, they lose the rights which they have acquired by the payment of these subscriptions. The Delegates' Meeting recommends the passing of laws securing to workmen compelled to pay these subscriptions the repayment of all sums contributed by them, should they be dismissed before they have acquired a right to pension.

III. The Delegates' Meeting requests, in addition, that legislative steps should be taken to remove the abuses which have arisen in connection with the building of working men's dwellings erected in order to deprive the workman of the exercise of rights with which legislation has invested him for the protection of his interests.

#### 18. Home Work.

The Delegates' Meeting declares again most emphatically, in view of the fresh studies and experimental inquiries made during the two years last past, that the miserable conditions of a large proportion of the home workers is caused especially by their absolutely insufficient wages, and that no improvement can be hoped for so long as means are not found to raise wages.

To this end the Delegates' Meeting recommends again:

I. The organisation of home workers in trade unions and the conclusion of collective wage agreements. The meeting regards the unfettered right of combination as the necessary basis of such collective agreements. In countries where collective agreements are not yet legally recognised under existing law, recognition should be secured in such a manner as to ensure their legal validity and their extension when required to home workers in the same occupations who were not originally concerned in the conclusion of the agreement. The Delegates' Meeting urges the national Sections to get into touch with the existing organisations of workers with a view to promoting the conclusion of the collective agreements with employers and employers' federations.

II. The adoption by legislation of the principle that wage



agreements for insufficient amounts or of an usurious nature should be null and void, and that the conclusion of such agreements should be subject to penalties. The meeting regards this principle as essential, but at the same time, it recognises that the difficulties of its application are such as to prevent its adoption from being in any degree a practical solution of the problem.

III. The Delegates' Meeting believes that any legislation in favour of home workers will be ineffective so long as it is not founded on minimum rates fixed by wages boards constituted according to the following principles.

(1) The board shall be composed of an equal number of employers and employees, chosen generally by the parties or, if this is impossible, by bodies acting on their behalf or failing these, by the Government.

The President shall not be an employer or an employee and shall be elected by the board. The Government shall appoint him in case of disagreement. He shall have the casting-vote;

(2) The minimum wage shall be fixed so that a home worker of ordinary capacity may earn as time wage a sum approximately equal to fair wages paid in factories and workshops where similar trades are carried on in the town or district. The wage must be at least high enough to ensure to the worker under normal living conditions sufficient food and healthy housing;

(3) The board shall fix officially the minimum wage and publish it at once;

(4) If possible the board shall establish a scale of minimum wages rates for all the different operations of the trade;

(5) To the amount of wages must be added the cost of tools and materials furnished by the worker, the value of time wasted, etc.;

(6) The minimum wage must be paid to the worker net without any deduction in favour of employer or middleman;

(7) If collective agreements exist in a trade, the minimum wage board must endeavour to extend the benefits of such collective agreements to all home workers also;

(8) For operations not included in the scale named under (4) the employer must prove in each particular case coming before the board that the conditions allow the average worker to earn at least the minimum time wage.

Disputes shall be settled by the wages boards;

(9) The board shall establish likewise scales of payment, and if possible minimum wages, for the apprentices in the trade, even where the apprentices are employed in workshops;

(10) Every violation of the law shall constitute a penal offence in each case and in respect of each worker concerned;

(11) Every trade organisation and any person interested in the trade and every society qualified for the purpose may inform the board that wages paid are below the minimum wage fixed for the trade. All such persons or organisations may take legal action;

(12) The minimum wages fixed by the local boards may be reviewed by a central commission of revision acting officially and without delay. This commission may modify and co-ordinate local decisions. The Governments shall select the members of such commission in equal numbers from the employers and employees composing the local boards.

IV. The Delegates' Meeting invites the Members of Parliament belonging to the International Association to introduce, or cause to be introduced, bills corresponding to the accepted resolution.

The national Sections are requested to engage in an energetic campaign in order to convince the public of the necessity of fixing minimum wages for home industries.

#### 19. Machine-made Swiss Embroidery.

The Delegates' Meeting still considers it desirable, under the provisions of the Lugano resolutions of 1910, to make uniform regulations for hours of work in the Swiss Embroidery Home-industry, and so far as possible to prohibit night work. But in view of the fact that since the Meeting of Lugano progress has been made in the introduction of automatic embroidery-machines in factories, and that similar machines will probably be introduced in the next few years to an increasing extent, the Delegates' Meeting considers it desirable that when regulations are made concerning hours of labour in small establishments, regulations should be made at the same time respecting hours of labour in factories using automatic machines. Such regulation is necessary because automatic machines, since attended by adult men only, may be run unlimited hours, both day and night, although

there is no technical reason for such continuous labour; while the other machines tended by women also, are subject to certain legal limitations as to hours of labour.

The Bureau of the International Association for Labour Legislation is instructed (1) to draw the attention of the countries concerned (Germany, Switzerland, Austria, France, the United States, Italy, Russia) to the danger which threatens the entire embroidery industry as a result of overtime, and even more of the continuous operation of the automatic embroidery machines, and (2) to request the Governments to take steps as soon as possible by means of international agreements, to establish such uniform regulations as shall protect the interests of the embroidery industry.

The Bureau is instructed to inform the Sections of the different countries, within three months, of the steps it has taken in approaching the Governments with a view to the realisation of this object.

20. List of Industrial Poisons.

I. The Delegates' Meeting expresses its thanks to the authors of the list of industrial poisons, Dr. Sommerfeld and Dr. Fischer, to the Institute of Industrial Hygiene at Frankfurt-on-Main, and to the member of the Permanent Council of Hygiene who reported on the matter, Dr. Teleky.

II. The Delegates' Meeting notes with pleasure that the list of industrial poisons has been translated into English, French, Italian and Finnish and hopes that the other national Sections will follow this example.

III. The Permanent Council of Hygiene is requested to undertake a revision of the list of industrial poisons every four years.

21. Lead.

I. *Painters and Decorators.* The Delegates' Meeting, noting with satisfaction that the use of colours containing lead in the painting of the interior of buildings has been prohibited in several countries, requests the national Sections to present reports on investigations which have been undertaken in their countries, and in particular on inquiries and experience relating to the use of colours not containing lead in the painting of metal in engineering workshops and similar works.

II. *Polygraphic Industry.* In view of the inadequacy of the information available respecting the danger of poisoning to which women are exposed when employed in type-setting, whether by hand or by linotypes, the inquiry should be continued.

The French and British Sections are requested to undertake inquiries from the hygienic and medical point of view and to present the results to the next Delegates' Meeting.

III. *Ceramic Industry.* The national Sections are requested to report on the application in their countries of the regulations already presented to the Governments respecting hygienic conditions in the ceramic industry, with a view to the conclusion of an International Convention on the restriction of the use of lead in the ceramic industry.

22. Handling of Ferrosilicon.

I. The Bureau is instructed to present the following principles to the Governments:

*Principles for the prevention of risks involved in the conveyance of ferrosilicon.*

(1) Ferrosilicon—especially when prepared by the electrical method—gives rise to dangerous gases, in particular phosphuretted hydrogen and arseniuretted hydrogen, merely by the action of dampness in the air. This causes the risk of poisoning and explosion.

(2) In order to avoid poisoning and explosions, ferrosilicon should be secured against wet and dampness both in storing and transport. The ferrosilicon itself, the packing cases and packing materials must be dry, that is to say, free from water and also from ice.

(3) Packing cases ought to be water-tight and so durably constructed that they cannot be damaged in transport. Unpacked ferrosilicon should only be kept in places secure against wet.

(4) The rooms in which ferrosilicon is stored or transported should be so constructed that they can be thoroughly ventilated and they should always be kept ventilated. In this connection care should be taken to see that the gases given off cannot penetrate to living rooms. Such rooms ought consequently to have no connection whatever with rooms in which there is any ferrosilicon, packed or unpacked.

(5) Occupiers or persons who store or transport ferrosilicon



should be required not only to adopt the necessary precautionary measures in a suitable manner, but also to instruct persons coming into contact with ferrosilicon as to its dangers.

II. Further inquiries ought to be made into the question of whether ferrosilicon containing less than 30 per cent. or more than 70 per cent. of silicon involves a risk of poisoning or not, and into the possibility of prohibiting the manufacture of ferrosilicon containing from 30 to 70 per cent. of silicon.

23. Principles for the Protection of Persons Employed in Mining, the Construction of Tunnels, Stone Quarries, etc., on an International Basis.

I. *Ankylostomiasis*. In view of the serious danger caused by ankylostomiasis not only to miners and tunnel workers, but also to the whole working population of certain districts, and of the excellent results obtained by suitable supervision and treatment of the workers, it appears expedient that ankylostomiasis should be checked as soon as possible by means of an international agreement.

The Bureau is requested to appoint a sub-commission to draw up detailed provisions on the basis of the following principles, and to seek ways and means for bringing about an international agreement on this matter. The principles to be observed are:

(1) Shipping companies conveying emigrant workers from infected countries should be required to undertake the examination of such workers and the treatment of persons affected with the disease.

(2) Persons emigrated from affected areas should undergo medical examination with a view to the detection of ankylostomiasis, before being engaged to work in mines, the construction of tunnels, stone quarries, or brick works.

(3) In mines, tunnelling operations, stone quarries and brick works, a series of measures are necessary: as, for example, the collection and removal in a manner not open to objection, of human refuse (regular and clean sanitary conveniences), the exercise of special cleanliness, dry workplaces, medical examination, and the provision of medical treatment and suitable remedies.

(4) It is necessary for the medical men entrusted with the

examinations and supervision in question to be suitably trained.

II. *Protection of workers in mines, tunnelling operations and stone quarries.* The Bureau is requested to undertake, in consultation with technical experts in mining in the different countries, a comparative study of legislation for the protection of miners on the basis of the principles drafted by Dr. Fischer, and to submit a memorial on the subject to the next Delegates' Meeting.

Provisions respecting the protection of workers in tunnelling operations and stone quarries should be prepared in a similar manner, but drawn up separately.

24. The International Prevention of Anthrax amongst Industrial Workers and of Mercurial Poisoning in Fur-cutting and Hat-making.

The question of anthrax is referred to a sub-commission, which shall submit detailed proposals to the next Delegates' Meeting. In addition, a sub-commission shall submit to the next Delegates' Meeting detailed proposals respecting the prevention of mercurial poisoning in fur-cutting and hat-making.

25. Work in Caissons.

The Delegates' Meeting requests the Bureau to arrange for the Permanent Council of Hygiene to draw up, with the co-operation of experts, a memorial respecting the results of experience as regards work in caissons and showing how use may be made of such experience in practice.

This memorial shall be submitted to the next Delegates' Meeting and afterwards presented to the Governments

25. Diving Operations.

The Delegates' Meeting requests the Bureau to arrange for the Permanent Council of Hygiene to draw up, with the co-operation of experts, a report on the possibility and desirability of establishing international regulations for diving operations.

27. International Statistics of Morbidity and Mortality amongst the Working Classes.

I. The Bureau is requested to present to the next Delegates' Meeting, with the co-operation of the national Sections and of the Permanent Council of Hygiene, a report on the essential differences in the morbidity and mortality statistics relating to the

working classes in the different trades and in the different countries, and to make proposals on the question of how these divergencies can be removed.

II. In addition, the national Sections are requested to report not later than July 1st, 1913, for the next Delegates' Meeting, on the methods of compiling, and the present position as regards, morbidity and mortality statistics relating to the working classes.

III. The Delegates' Meeting recommends that the aim of these reports should be especially the establishment of a uniform classification of the causes of death in the different occupations, in order that the Governments may adopt it as the basis of uniform statistics of mortality by trades.

28. Treatment of Foreign Workmen under Insurance Legislation.

I. In connection with the resolutions adopted by the Delegates' Meeting at Basel (1901 and 1904), Geneva (1906), Lucerne (1908) and Lugano (1910) respecting the treatment of foreign workers under Insurance Legislation, the Delegates' Meeting expresses thanks in the first place to the States and Governments which have given effect as far as possible in their national legislation and in international treaties to the principles recommended by the International Association.

The Delegates' Meeting again requests the American Section to continue its efforts to secure the passage in the several States of the Union of suitable laws for insurance against sickness and accident, which shall not discriminate against alien workers and thus carry out Resolution IX adopted at Geneva, and Resolution X adopted at Lucerne, and it thanks this Section for its activity in this matter.

II. The Governments represented at the meetings of the Association and the national Sections are again urgently recommended to see that these principles are developed and extended in sickness, accident, old age and invalidity insurance legislation.

The Delegates' Meeting draws the attention of the national Sections and the Governments concerned also to the various systems of maternity insurance. These systems should, as far as possible, fix a uniform period of benefit of 8 weeks, and

also approximately equal maintenance benefits, in order that, in cases of difference of domicile and country of insurance, it may be easier to effect a transfer or make over the insurance in pursuance of international agreements.

III. As regards the execution of the wishes expressed under II, the Delegates' Meeting draws attention especially to the following points:

(1) As regards the benefits paid by insurance institutions to foreigners, no difference should be made between the subjects of a State and Foreign workmen in all countries and branches of insurance in which the State does not directly supplement either the premiums or the benefits.

(2) But where the grants are made out of public money, the benefits paid to insured foreigners and their dependents may be reduced in comparison to those paid to subjects of the State at most by an amount corresponding approximately to such grants.

(3) The Governments should take the necessary measures by means of international agreements to render the provisions of No. 2 unnecessary.

(4) It should be made possible by international agreements to settle the claims of insured persons and their dependents living outside the country of insurance by a sum down or by paying the capital value of the benefit to a corresponding insurance institution in their place of residence abroad, or in any other appropriate manner.

IV. Failure to insure foreign workmen in the case of only temporary sojourn and employment in a country, is injurious both to the workmen concerned and also to their country of origin, and involves at the same time a disadvantage to the workers of the country in question on the labour market. The benefits of insurance should therefore be extended to such workmen.

(*E. B.*, VII, (8-10) *Supplement.*)

Exhibit 19.

VOEU

At the moment of proceeding to the signature of the Con-



vention on the Night-Work of Women the Delegates of Denmark, Spain, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland, convinced of the utility of assuring the greatest possible unity to the regulations which will be issued in conformity with the present Convention, express the desire that the various questions connected with the said Convention which may have been left doubtful by the same, may be, by one or several of the contracting parties, submitted to the consideration of a Commission on which each co-signatory State would be represented by a delegate or by a delegate and assistant-delegates.

This Commission would have a purely consultative character. In no circumstances would it be able to undertake any inquiry into or to interfere in any way in the administrative or other acts of the States.

The Commission would make a report which would be communicated to the contracting States on the questions submitted to it.

The Commission could further be called upon:

1. To give its opinion as to the equivalent provisions, on condition of which the adhesion of extra-European States, as well as possessions, colonies, protectorates, might be accepted in cases where the climate or the condition of the natives may necessitate modifications in the details of the Convention.

2. Without prejudice to the initiative of each contracting State, to serve as an instrument for a preliminary exchange of views, in cases where the High Contracting Parties are in agreement, as to the utility of convening new conferences on the subject of the condition of the working classes.

The Commission would meet at the demand of one of the contracting States, but not more than once a year, except in the case of an agreement between the contracting States for a supplementary meeting owing to exceptional circumstances. It would meet in each of the capitals of the European contracting States successively and in alphabetical order.

It would be understood that the contracting States would reserve to themselves the right of submitting to arbitration, in conformity with Article 16 of the Convention of The Hague,

the questions which may be raised by the Convention of to-day's date, even if they had been the subject of an expression of opinion by the Commission.

The Delegates mentioned above request the Swiss Government (who agree) to be good enough, until the closing of the record of deposit of ratifications of the Convention to continue the negotiations for the adhesion to the present *Voenu* of the States whose delegates have not signed it.

This *Voenu* will be converted into a Convention by the contracting states, through the agency of the Swiss Government, as soon as it shall have received the concurrence of all the states signatories to the Convention.

Berne, September 26, 1906.

(E. B. I, (7-8) p. 277.)

Exhibit 20.

*Draft for an International Convention Respecting the Prohibition of Night-Work for Young Persons Employed in Industrial Occupations (Sept. 25, 1913).*

(1) Night-work in industrial occupations shall be prohibited for young persons under the age of 16 years.

The prohibition shall be absolute in all cases up to the age of 14 years.

The present Convention shall apply to all industrial undertakings where more than 10 persons are employed; it shall not apply in any case to undertakings where only members of the family are employed.

It shall be the duty of each of the contracting States to define the meaning of "industrial undertakings." Mines and quarries and industries for the manufacture and transformation of materials shall, in all cases, be included in this definition; as regards the latter point, the limit between industry on the one hand, and agriculture and commerce on the other, shall be defined by national legislation.

(2) The night's rest contemplated in Article 1 shall have a duration of at least 11 consecutive hours. In all the contracting States these 11 hours must include the period between 10 p. m. and 5 a. m.

In coal and lignite mines it shall be permissible to vary the hours of rest contemplated in the first paragraph, provided that the interval between two periods of work habitually lasts 15 hours, and in all cases 13 hours at least.

The period from 10 p. m. to 5 a. m. contemplated in the first paragraph may, in the case of the bakery industry, be replaced by the period from 9 p. m. to 4 a. m. in those States where night-work is prohibited by national legislation for all workers engaged in this industry.

(3) The prohibition of night-work may be suspended for young workers over 14 years of age:

(a) If the interest of the State or any other public interest absolutely demands it.

(b) In case of "force majeure" where there occurs in an undertaking an interruption of manufacture which it was impossible to foresee and not being of a periodical character.

(4) The provisions of this Convention shall apply to girls under 16 years of age wherever these provisions afford more extensive protection than those of the Convention of September 26th, 1906.

(5) In extra-European States, as well as in Colonies, Possessions, or Protectorates, when the climate or the condition of the native population shall require it, the period of the uninterrupted night's rest may be shorter than the minimum of 11 hours laid down in the present Convention, provided that compensatory rests are accorded during the day.

(6) The present Convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for bringing into force the prohibition of the night-work of young persons over 14 years of age in industrial occupations shall be increased to 10 years:

(a) In glass works, for persons employed before the melting, annealing and re-heating furnaces.

(b) In rolling mills and forges where iron and steel are worked up with continuous furnaces, for the workers engaged in occupations directly connected with the furnaces, in both cases, however, on condition that the night employment shall only be permitted in work of a kind to promote the

## THE INTERNATIONAL PROTECTION OF LABOR

industrial development of the young workers and which presents no particular danger to their life or health.

(E. B. VIII, (9-10) pp. 364-365.)

### Exhibit 21.

#### *Draft for an International Convention to Fix the Working Day for Women and Young Persons Employed in Industrial Occupations (Sept. 25, 1913.)*

(1) The maximum period of employment in industrial occupations of women without distinction of age and of young persons up to the age of 16 years shall, subject to the exceptions hereafter mentioned, be 10 hours a day.

The working day may also be limited by fixing a maximum of 60 hours per working week, with a daily maximum of 10½ hours.

The present convention shall apply to all industrial undertakings where more than 10 persons are employed; it shall not apply in any case to undertakings where only members of the family are employed.

It shall be the duty of each of the contracting States to define the meaning of "industrial undertakings." Mines and quarries and industries for the manufacture and transformation of materials shall in all cases be included in this definition; as regards the latter point, the limit between industry, on the one hand, and agriculture and commerce on the other, shall be defined by national legislation.

(2) The hours of work shall be interrupted by one or more breaks, the regulations of which shall be left to national legislation, subject to two conditions, namely:

Where the daily period of employment does not exceed six hours, no break shall be compulsory.

Where the daily period of employment exceeds this limit, a break of at least half an hour shall be prescribed during or immediately after the first six hours' work.

(3) Subject to the reservations specified in Article 4, the maximum period of employment may be extended by overtime:

(a) If the interest of the State or any other public interest absolutely demands it.



(b) In case of "force majeure" where there occurs in an undertaking an interruption of manufacture which it was impossible to foresee and not being of a periodical character.

(c) In cases where the work is concerned either with raw materials or materials in course of treatment which are susceptible to very rapid deterioration, when such overtime is necessary to preserve these materials from certain loss.

(d) In industries subject to seasonal influences.

(e) In exceptional circumstances, for all undertakings.

(4) The total hours of work, including overtime, shall not exceed 12 hours a day, except in factories for the preserving of fish, vegetables, and fruit.

Overtime shall not exceed a total of 140 hours per calendar year. It may extend to 180 hours in the manufacture of bricks, tiles, men's, women's and children's clothing, articles of fashion, feather articles, and artificial flowers, and in factories for the preserving of fish, vegetables and fruit.

It shall not be permissible, in any case, to extend the working day for young workers of either sex under 16 years of age.

This Article shall not apply in the cases contemplated in (a) and (b) of Article 3.

(5) This Convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for bringing it into force shall be extended:

(a) From two to seven years in the manufacture of raw sugar from beetroot, and of machine-made embroidery, and in the spinning and weaving of textile materials.

(b) From two to seven years in States where the legal duration of the working day for women without distinction of age and for young persons employed in industrial occupations still amounts to 11 hours, provided that, except as regards the exemptions contemplated in preceding Articles, period of employment shall not exceed 11 hours a day and 63 hours a week.

Drawn up at Berne on September 25th, 1913, in one copy, which shall be deposited in the Swiss Federal Archives and a certified copy of which shall be presented through the diplomatic channel to each of the Governments represented at the Conference.

(*Ibid.*, pp. 365-366.)

Exhibit 22

*Constitution of the American Section of the International Association on Unemployment.*

(Extract)

The purpose as expressed in the by-laws of the Association on Unemployment is:

“(A) To assist the International Association in the accomplishment of its task (Section 1, ss. 3 and 4, of the Statutes of the International Association):

The aim of the Association is to co-ordinate all the efforts made in different countries to combat unemployment.

Among the methods the Association proposes to adopt in order to realize its object the following may be specially noticed:

(a) The organization of a permanent international office to centralize, classify and hold at the disposition of those interested, the documents relating to the various aspects of the struggle against unemployment in different countries.

(b) The organization of periodical international meetings, either public or private.

(c) The organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters.

(d) The publication of essays and a journal of unemployment.

(e) Negotiations with private institutions, or the public authorities of each country, with the object of advancing legislation on unemployment, and obtaining comparable statistics or information and possibly agreements or treaties concerning the question of unemployment.

(b) To co-ordinate the efforts made in America to combat unemployment and its consequences, to organize studies, to give information to the public, and to take the initiative in shaping improved legislation and administration, and practical action in times of urgent need.”

*(Bulletin trimestriel de l'association internationale pour la lutte contre le chômage, Quatrième Année, No. 2. Avril-Juin 1914, p. 339.)*

Exhibit 23.

*Constitution of the American Association for Labor Legislation.*

Adopted Feb. 15, 1906

Amended Dec. 30, 1907; Dec. 30, 1908; Dec. 29, 1909; Dec. 29, 1910.

Article I. Name.

This Society shall be known as the American Association for Labor Legislation.

Article II. Objects.

The objects of this Association shall be:

1. To serve as the American branch of the International Association for Labor Legislation, the aims of which are stated in the appended Article of its Statutes.

2. To promote uniformity of labor legislation in the United States.

3. To encourage the study of labor conditions in the United States with a view to promoting desirable labor legislation.

Article III. Membership.

Members of the Association shall be elected by the Executive Committee. Eligible to membership are individuals, societies and institutions that adhere to its objects and pay the necessary subscriptions. The minimum annual fees for individuals shall be three dollars, or five dollars if the member wishes to receive the Bulletin of the International Association. In states in which there is a State Association \$1 of the dues shall be paid over to the State Association. The minimum annual fee for societies and institutions shall be five dollars, and they shall receive one copy of the Bulletin, and for each two-dollar subscription an additional copy.

Article IV. Officers.

The officers of the Association shall be a president, ten vice-presidents, a secretary and a treasurer. There shall also be a General Administrative Council consisting of the officers and not less than twenty-five or more than one hundred persons. The General Administrative Council shall have power to fill vacancies in its own ranks and in the list of officers; to appoint

## THE INTERNATIONAL PROTECTION OF LABOR

an Executive Committee from among its own members, and such other committees as it shall deem wise; to frame by-laws not inconsistent with this constitution; to choose the delegates of the Association to the Committee of the International Association; to conduct the business and direct the expenditures of the Association. It shall meet at least twice a year. Eight members shall constitute a quorum.

### Article V. Meetings.

The annual meeting and other general meetings of members shall be called by the General Administrative Council and notice thereof shall be sent to members at least three weeks in advance. Societies and institutions shall be represented by two delegates each. The annual meeting shall elect the officers and other members of the General Administrative Council.

Meetings of the General Administrative Council shall be called by the Executive Committee. Notice of such meetings shall be sent to members of the Council at least three weeks in advance.

Amendments to the constitution, after receiving the approval of the General Administrative Council, may be adopted at any general meeting. Fifteen members shall constitute a quorum.

Article II of the Statutes of the International Association Defining the Aims of the Association.

(See Constitution of the International Association, Exhibit 10.)

### BY-LAWS.

1. *Committees.* The Council shall elect an Executive Committee, as well as committees on Finance, Legislation, and Publicity, and such other committees as occasion may require.

2. *Powers of the Executive Committee.* The Executive Committee shall exercise, subject to the General Administrative Council, the powers of the Council in the intervals between its sessions.

3. *International Obligations.* The Executive Committee shall choose the members of Committees and Commissions and the reporters required by votes of the International Association.

(*Am. Labor Leg. Rev.* VII, (1) pp. 196-197.)



Exhibit 24.

*Justification of the Principle of the Prohibition of Night-Work of Women.*

The effects of the prohibition of night-work of women, in the countries where it embraces workwomen of every age have been as follows:

1. The number of women employed, especially of those above twenty-one years of age, has in general increased. It is true that the improvements in the processes of technical production, which have permitted the use of cheap, and unskilled labor, have been a factor in this increase. With regard to women workers as a whole, there is not evident in Great Britain, Germany, Austria, France, Holland or in the United States any general decrease in opportunities for work. In many places, on the other hand, woman's labor has replaced child labor, and as a result of the enlargement of a certain number of establishments, a more intensive workday has been substituted, in the case of women, for night-work.

2. In consequence of this increase of demand, women have not in general suffered a loss in wages, and on the contrary, the wage has been increased in many cases by reason of greater rapidity and better quality of work.

3. It has been observed that coincident with the prohibition of night-work of women in the States in which it has been put into force, there has been a decrease in the death rate both of women and children. The rate of mortality among women has decreased in Great Britain and in Germany, more rapidly than the rate of mortality among men.

4. The greater powers of resistance and the better health evidenced among women in the States where night-work has been suppressed, and where the length of work has been decreased and rest increased, have permitted housewives to better perform their domestic duties; the preparation of food, bringing up and care of children, the keeping of the linen in repair and the home in order, *etc.*, *etc.*

5. It has been established also that neither the prohibition of night-work of women nor the limitation of their day work have

exercised any appreciable influence on exportation especially in that which concerns manufactured textile products.

Accordingly then, the prohibition of night-work of women is in the first place a measure of public hygiene. It is also necessary, to secure, from the States which belong to the first category of the preceding chapter, such as Japan, Spain and some of the States of the Union, the adhesion in principle to the system of prohibiting the night-work of women.

As regards the principal States of the second category of the preceding chapter (States where the prohibition applies only to young workers), it has been established that the night-work of women has almost always been actually practised in certain definite industries, and during periods of full operation on the part of the industries, in a word, that it is not at all the rule. These States should not find any difficulty then, it would seem, in establishing the principle of the prohibition of the night-work of all women, subject to necessary exceptions which will be treated later.

Finally, in States where night-work has been limited to certain kinds of industry, it should be of interest to obtain, as a transitional provision in the countries which have not yet adopted this measure, the extension of the prohibition of night-work to all shops, even if not provided with motor power. The exceptions permitting night-work of women in small establishments without motor power, are very harmful to the health of the women workers. Remembering the difficulties in the way of applying this measure to women working at home, it is necessary to obtain from the various States legal protection at least for all women working in shops.

Only after the prohibition of night-work of women in the small shops has been obtained, can the work be continued and a similar prohibition be obtained for home work.

(Translation: *Publications de L'Association internationale pour la protection légale des travailleurs*, No. 4 ( p. 9-10.)

Exhibit 25.

*Report of the United States Section of the International High Commission.*

“Sir: By the First Pan American Financial Conference, which

was held at Washington in May, 1915, with a view to bring about closer financial and commercial relations between the American Republics and to that end to foster uniformity of law and procedure in such matters, it was recommended that, in order to carry out these great objects, there should be created an International High Commission, a section of which should be established in each country. This recommendation was promptly carried into effect in the countries concerned; and by the act of Congress of February 7, 1916, the United States section was endowed with a legal status. Each section consists of nine members, and is composed of jurists, financiers, and technical administrators.

"During the past quarter of a century a great good has been accomplished by means of conferences between the independent countries of America, such as the four international American conferences (Washington, 1889-90; Mexico, 1901-2; Rio de Janeiro, 1906; Buenos Aires, 1910), the Conference on the Coffee Trade (New York, 1902), the Customs Congress (New York, 1903), and the series of sanitary conferences, the fifth of which was held in Washington in 1905. But in spite of all that had been attained there was a general sense of the need of direct, continuous, sustained effort to improve the financial and economic relations between the Americas and to remove the obstacles which existed in their satisfactory development. To meet this want is the prime object of the International High Commission and its respective national sections.

"Students of the history of international co-operation agree that there are three fundamental factors in a successful international union—(1) periodical conferences, (2) an international organ or bureau, (3) an effective means of carrying out the measures adopted. In the relations of the American Republics during the last 25 years the first two elements have not been lacking. The American Governments have repeatedly manifested their willingness to enter into the discussion of their common problems; and in the Pan American Union they have an organ which has, under the wise guidance of the diplomatic representatives of American Republics at Washington, contributed and will continue richly to contribute to the harmony and prosperity of the American nations.

## THE INTERNATIONAL PROTECTION OF LABOR

"What has been wanting is a persistent and organized effort to carry out the recommendations of the conferences. In contrast with the readiness to sign conventions on technical matters there has been at times some reluctance to ratify them. The United States has occasionally been remiss in this regard, and the members of the United States section of the International High Commission consider it important to urge prompt fulfillment of this duty.

\* \* \* An early meeting of the commission was decided upon for the purpose of determining its *modus operandi* and of giving the necessary stimulus to useful study. Tentatively, November 1, 1915, was fixed as the date and Buenos Aires as the place, but it was later found necessary to allow more time, and the date was changed to April 3, 1916."

\* \* \*

### Topic VIII. Report of the Sixth Committee.

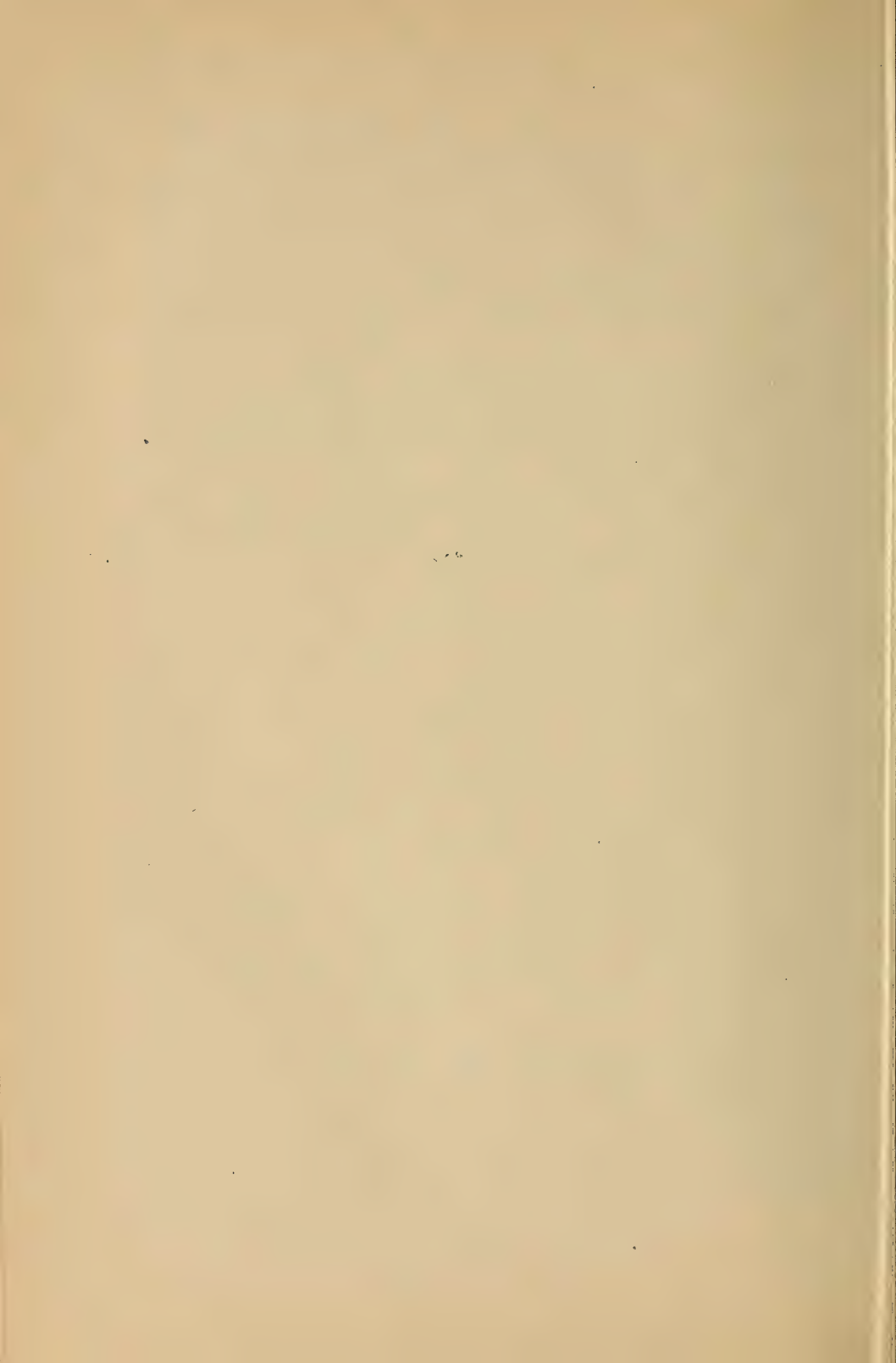
"The topics considered by this committee were proposed by the Uruguayan and Argentine Governments, respectively. With reference to labor legislation, His Excellency, Pedro Cosío, the Minister of Finance of Uruguay, pointed out the difficulty in improving the conditions under which productive labor is carried on and urged the need of insuring general knowledge of the principles of labor legislation. In order that America may be the "land of promise" he insisted that it must defend the laborer from excessive hours, unfair wage conditions, and dangerous occupations. The workman and workwoman must be assured, too, that society will not abandon them if they fall sick from overwork nor permit them to be reduced to starving or begging if they arrive at old age in poor circumstances, and, that, finally, society will find sure means of educating them and of aiding and encouraging them in their just and legitimate aspirations.

"The commission was impressed by the general desire to cooperate more effectively in protecting and strengthening the laboring population of the Americas. As, however, an international labor convention is not practicable now, the commission could only recommend that each Government enact progressive labor and social welfare legislation and provide for systematic exchange of technical and statistical literature.



"The Department of Labor of the United States and similar departments in Latin America might easily exchange all their publications; and the system could be extended so as to include all civic bodies interested. The publication of the Pan American Union will possibly serve to make better known the work accomplished in this field in the United States and in Europe; and legislative and executive commissions, as well as organizations of the character of the American Society for Labor Legislation, will wish to co-operate with the Pan American Union. Thus those countries whose economic and industrial conditions give sufficient promise of sustained public interest in this subject, may soon avail themselves of the excellent procedure devised by the International Labor Association for the conclusion of international labor agreements."

*(International High Commission, United States Section. Reports. 64th Congress. 2nd Session. House of Representatives, Document No. 1788, pp. 5-6, 23-24.)*



## BIBLIOGRAPHY

## BIBLIOGRAPHY.

### CONTENTS.

Key to Periodicals.....	334
Publications in German.....	339
1904 .....	340
International Labor Congresses.....	340
International Labor Organizations.....	341
1905 .....	342
International Labor Congresses.....	342
International Labor Organizations.....	343
1906 .....	344
International Labor Conferences.....	344
International Labor Legislation.....	345
International Labor Organizations.....	346
1907 .....	346
International Labor Conferences.....	346
International Labor Legislations.....	348
International Labor Organizations.....	349
1908 .....	349
International Labor Legislation.....	352
International Labor Congresses.....	352
International Labor Organizations.....	353
1910 .....	353
International Labor Congresses.....	353
International Labor Legislation.....	355
International Labor Organizations.....	355
1911 .....	356
International Labor Congresses.....	356
International Labor Legislation.....	357
International Labor Organizations.....	358
1912 .....	358
International Labor Congresses.....	358
International Labor Legislation.....	359
International Labor Organizations.....	359
1913 .....	359
International Labor Congresses.....	359
International Labor Legislation.....	362
International Labor Organizations.....	362
1914 .....	363
International Labor Congresses.....	363
International Labor Legislation.....	363
International Labor Organizations.....	364



1915 .....	364
International Labor Legislation.....	364
International Labor Organizations.....	364
Publications in French.....	364
1904 .....	368
International Labor Conferences.....	368
1905 .....	369
International Labor Conferences.....	369
1906 .....	370
International Labor Conferences.....	370
International Labor Legislation.....	370
1907 .....	371
International Labor Conferences.....	371
International Labor Legislation.....	371
International Labor Organizations.....	371
1908 .....	372
International Labor Legislation.....	372
International Labor Organizations.....	372
International Labor Congresses.....	372
1909 .....	373
International Labor Legislation.....	373
International Labor Congresses.....	373
International Labor Organizations.....	373
1910 .....	373
International Labor Congresses.....	374
1911 .....	374
International Labor Conferences.....	375
1912 .....	375
International Labor Congresses.....	375
1913 .....	376
International Labor Congresses.....	376
1914 .....	377
International Labor Congresses.....	377
International Labor Legislation.....	377
Publications in English.....	378
1904-1915 .....	378
Publications in Italian.....	382
1904-1914 .....	382
Publications in Spanish .....	385
Publications in Roumania .....	386
Publications in Sweden .....	386
Publications in Hungary .....	386
Publications in Denmark .....	387
Publications in Holland .....	387
Publications in Finland .....	387

## THE INTERNATIONAL PROTECTION OF LABOR

### PERIODICALS.

- A.Cath.—Association catholique, Paris.  
Acc. et Ass.—Congrès international des Accidents du travail et des Assurances sociales, Bulletin du Comité permanent, Paris.  
A.d.—Archives diplomatiques.  
A.D.G.Z.—Allgemeine Deutsche Gärtner-Zeitung, Berlin.  
A.F.—American Federationist, Washington.  
A.Fr.—Arbeiterfreund, Berlin.  
A.G.—Arbeitgeber, Berlin.  
A.Gen.—Arbeitergenossenschaft, Wien.  
Ai.Z.—Arbeiterinnenzeitung, Wien.  
A.M.—Arbeitsmarkt, Berlin.  
Am.—Ameise, Charlottenburg.  
A.N.M.I.—Amtliche Nachrichten des Ministeriums des Innern, Wien.  
A.O.—Association ouvrière, Paris.  
Ar.—Akademie revue socialistiká, Prag.  
A.R.—Allgemeine Rundschau, Leipzig.  
A.S.—Arbeiterschutz, Wien.  
A.S.G.—Annalen für Sozialpolitik und Gesetzgebung, Berlin.  
Ask.—Arbetarsskyddet, Stockholm.  
A.S.S.—Archiv für Sozialwissenschaft und Sozialpolitik, Tübingen.  
Ass.—L'Assicurazione.  
A.St.—Arbeiterstimme, Bern.  
A.T.Fin.—Afbetsstatistik Tidskrift utgiven af industristyrelsen i Finland, Helsingfors.  
A.V.—Arbeiter-Versorgung, Grunewald-Berlin.  
B.—Blätter für Armenwesen, Graz.  
B.A.L.C.—Bulletin de l'Association internationale pour la lutte contre le chômage, Paris.  
B.Arb.—Bergarbeiter, Oberhausen (Rheinland).  
B.Arg.—Boletin de la Union industrial argentina, Buenos Aires.  
B.A.S.—Bulletin des assurances sociales, Paris.  
B.C.T.—Bulletin du Comité central du Travail industriel, Bruxelles.  
B.D.T.—Boletin del Departamento Nacional del Trabajo, Buenos Aires.  
B.F.N.—Bulletin de la Fédération nationale du bâtiment et des travaux publics, Paris.  
B.G.—Blätter für Genossenschaftswesen, Berlin.  
Bhd.—Der Ban handwerker, Magdeburg.  
B.Intl.—Bulletin der internationalen Union der Holzarbeiter, Berlin.  
B.L.S.A.—Bulletin des Ligues sociales d'acheteurs.  
B.M.I.E.S.—Bulletin mensuel des institutions économiques et sociales (Institut international d'agriculture), Rome.  
B.M.T.—Bulletin du Ministère du Travail, Paris.  
Bol.M.S.—Boletin del Museo Social, Barcelona.  
B.O.T.—Bulletin de l'office du travail, Paris.

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 B.S.V.—Blätter für selbstverwaltung, Brünn.  
 B.U.L.—Bollettino dell'Ufficio del lavoro, Roma.  
 B.U.L.(N.S.)—Bollettino dell'Ufficio del lavoro (Nuova Serie) Roma.  
 B.Z.—Bildhauer-Zeitung, Berlin.  
 C.—Concordia, Berlin.  
 C.G.D.—Correspondenzblatt der Generalkommission der Gewerkschaften Deutschlands, Berlin.  
 C.F.L.—Confederazione del lavoro, Milano.  
 Conf.L.—Confederazione del lavoro, Milano.  
 Co.—Der Coiffeur, Bern. (Coiffeurgehilfen-Zeitung)  
 Cr.—Courier, Publikationsorgan des Deutschen Transportarbeiter-Verbandes, Berlin.  
 Cr.s.—Critica sociale, Milano.  
 D.B.K.Z.—Deutsche Bäcker-und Konditoren-zeitung, Hamburg.  
 D.C.—Dominion of Canada, Labour Gazette (Dominion du Canada, Gazette du Travail), Ottawa.  
 Dev.—Devoir, Paris.  
 E.B.—English Bulletin of the International Labor Office.  
 Ec.Fr.—Economiste francais, Paris.  
 Eis.—Eisenbahner, Wien.  
 E.J.—Economic Journal, London.  
 E.S.—Espana Social, Madrid.  
 E.Z.—Oesterreichische Eisenbahnzeitung, Wien.  
 F.B.—French Bulletin of the International Labor Office.  
 Fr.—Frauenbewegung, Berlin.  
 Frk.Z.—Frankfurter Zeitung, Frankfurt.  
 G.—Gewerkverein, Berlin.  
 G.B.—German Bulletin of the International Labor Office.  
 Gen.—Genossenschaft, Wien.  
 Gew.—Gewerkschaft, Berlin.  
 G.Ing.—Gesundheits-Ingenieur, München.  
 Gl.—Gleichheit, Stuttgart.  
 G.P.—Graphische Presse, Berlin (formerly Leipzig).  
 G.R.—Gesetz und Recht, Breslau.  
 Gr.—Grundstein, Hamburg.  
 G.Sch (or Gsch.)—Gewerkschaft, Wien.  
 H.—Handelsstand, Hamburg.  
 H.A.—Heimarbeiterin, Berlin.  
 H.G.Z.—Handlungsgehilfenzeitung, Berlin-Hamburg.  
 H.M.—Handelsmuseum, Wien.  
 Ho.A.—Holzarbeiter, Köln.

- Ho.—Der Hoteldiener.  
H.T.—Helvetische Typographia, Basel.  
H.Z.—Holzarbeiterzeitung, Berlin (formerly Stuttgart).  
I.—Industrie, Wien.  
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J.—Jugendfürsorge Berlin.  
J.A.—Jugendliche Arbeiter, Wien.  
J.L.—Justice, London.  
J.L.N.Z.—Journal of Department of Labour, New Zealand, Wellington.  
J.St.S.—Journal of the Royal Statistical Society, London.  
K.—Kampf, Wien.  
K.Bl.—Korrespondenzblatt d. Verbandes der Tapezierer und verwandter Berufsarten Berlin.  
K.R.—Konsumgenossenschaftliche Rundschau, Hamburg.  
Ku.—Kupferschmied.  
L.A.—Ledararbeiter, Berlin.  
L.G.—Labor Gazette, London (Board of Trade).  
L.Gen.—Oesterreichische landwirtschaftliche Genossenschaftspresse, Wien.  
L.L.—Labor Leader, London.  
M.—Mutualidad, Madrid.  
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M.S.(Ann.)—Musée Social (Annales), Paris.  
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N.T.—Nationaløkonomisk Tidsskrift, Kjobenhavn.  
N.Y.—New York Department of Labor Bulletin, Albany.  
N.Z.—Neue Zeit, Stuttgart.  
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ung, Wien.  
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Q.P.—Questions pratiques de législation ouvrière et d'économie sociale,  
Paris.  
R.A.—Reichsarbeitsblatt, Berlin.  
Ram.—Ramazzini, Firenze. (Giornale italiano di medicina sociale).  
R.D.I.P.—Revue de droit international privé.



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 Rif.Soc.—Riforma sociale Torino-Roma.  
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 Sch.—Schuhmacherfachblatt, Gotha.  
 Schm.Z.—Schmiede-zeitung, Hamburg.  
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 S.E.—Szakszervezeti Ertesito, Budapest.  
 S.K.—Soziale Kultur, M.—Gladbach.  
 S.K.V.—Schweizer Konsumverein, Basel.  
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 T.A.—Tidskrift for Arbejderforsikring, Kjøbenhavn.  
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 Tex.—Textilarbeiter, Berlin.  
 Tex.W.—Textilarbeiter, Wien.  
 T.I.—Tidskrift for Industria.  
 T.M.E.—Társadalmi Museum Ertesítője, Budapest.  
 T.N.—Travail national, Paris.  
 Tö.—Töpfer, Berlin.  
 T.Z.—Textilarbeiter-Zeitung, Düsseldorf.  
 Um.—Umanitaria, Milano.  
 V.—Vorwärts.  
 V.Bl.—Volkswirtschaftliche Blätter, Berlin.  
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*THE INTERNATIONAL PROTECTION OF LABOR*

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THE INTERNATIONAL PROTECTION OF LABOR

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## INDEX



# INDEX

(See also *Tables of Contents of Bibliography*, p. 334, of *Appendix I*, p. 174 and of *Appendix II*, p. 239).

- Accident Insurance—See Insurance, and Treaties.
- Accident reports—81, 89.
- Accidents—80.
- Adler, Georg—23.
- Agricultural enterprises—35, 115.
- Aix-la-Chapelle (1818)—11.
- Aliens—4, 42, 51, 59, 62-63, 101, 151, 165-68.
- See Assigns.
- American Association for Labor Legislation—
- See Sections, and United States.
- American Emigrant Company—16.
- American Federation of Labor—90-91.
- American Labor Legislation Review—88.
- Anarchists—16.
- Andrews, J. B.—59, 87.
- Ankylostomiasis—63.
- Anthrax—63-64.
- Appendices I and II—169, 231.
- Arbitration—32, 56-57, 153, 157-158.
- Arkwright—7.
- Army—55, 107.
- Assigns under social insurance—62, 140, 146, 148-149, 152, 161-162, 167-168.
- Assumption of risk—84.
- Bank transfers—138, 139-140, 146.
- Baron—18.
- Beet sugar—115, 116, 125, 134.
- Berlepsch—29, 31, 37, 40.
- Bern Conference (1905)—44, 46, 112-117.
- Bern Conference (1906)—47, 69, 119-130, 135.
- Bern Conference (1913)—59, 61, 64, 76, 131-136.
- Bern Conventions—26, 51, 52, 58, 68, 72-73, 92, 112-132.
- On day-work (tentative)—3, 33, 58, 59, 101, 133-136.
- On night-work of women (tentative)—114-117, 119.
- On night-work of young persons (tentative)—3, 33, 58, 59, 76-78, 101, 132-135.
- On use of phosphorus (tentative) 113-114, 118.
- Bern Conventions—
- Adherents—126-131.
- On night-work of women—3, 33, 72, 75, 100-101, 114-117, 118, 119-121, 123-128, 133-136.
- On use of phosphorus—3, 51, 61, 69, 73, 75, 118, 121-122, 129-131.
- Bibliography—331.
- Bismarck—17, 23, 28, 31.
- Bluntschli—14.
- Bouches-du-Rhone, Council of—27.
- Braber—14.
- Brentano—14, 24.
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- Bulletin of the International Labor Office—40, 48, 58.
- Bulletin trimestriel de l'association internationale pour la lutte contre le chomage*—98, note.

# INDEX (Continued)

- Bureaus—See Labor Bureaus.
- Burma—12.
- Caissons—58, 59, 60.
- Cameron, A. C.—16.
- Canada—58, 130.
- Cartwright—7.
- Cauwés—40.
- Ceramic industry—58, 59, 60, 62.
- Chamberlain—89.
- Chatelain—11.
- Child Labor—13, 21, 22, 23, 26, 27, 31, 32-33, 35, 47, 48, 58, 59, 62, 100-101, 131-136, 138, 141, 154-156.  
See Italian child laborers, and night-work of young people.
- China—12.
- Circular Note—See Federal Council, Swiss.
- Climate—67, 72, 120, 132.
- Cohn, Gustave—18, 20.
- Columbia University—89.
- Commercial Treaty—See Treaties.
- Commercial Treaty Concessions—24.
- Commission Plan—See Wisconsin—95.
- Committee Meeting (Basel, 1903)—  
See Delegates' Meetings.
- Commons, John R.—87, 90.
- Compensation Laws—See Workmen's Compensation.
- Conference of Berlin (1890)—30, 34, 35, 112.
- Conference of London (1912)—60.
- Conference on Weekly Day of Rest—54-56.
- Congress on Accidents to Labor and Workmen's Insurance—100.
- Congress on Cultivation of Rice—56.
- Congress on Home Work—61.
- Congress on Unemployment—53-54.
- Congresses of  
Basel (1869)—16.  
Berlin (1890)—28-30, 31-34, 35, 112.  
(1891)—16.  
Brussels (1856)—14.  
(1868)—16.  
(1897)—36-37.  
Dresden (1871)—16.  
Frankfort (1857)—14.  
Frankfurt-on-Main (1882)—20.  
Geneva (1866)—15.  
(1873)—16.  
Industrial Christian Manufacturers (1879).  
Lausanne (1867)—15.  
London (1864)—15.  
(1871)—16.  
(1896)—16.  
Lyons (1877)—18.  
Montlucon (1887)—25.  
Paris (1883)—21.  
(1886)—16, 24.  
(1889)—16, 27.  
(1900)—38-41.  
Roubaix (1884)—21.  
St. Imier (1872)—16.  
Switzerland (1883)—21.  
The Hague (1872)—16.  
(1889)—27.  
Zurich (1893)—16.  
(1897)—16, 35.  
See Delegates' Meetings.
- Constituent Assembly of the International Association for the Legal Protection of Labor—See Delegates' Meetings.
- Constitution of the United States—86-87, 93-95.
- Continuous industries—60, 63.
- Contributory negligence—85.
- Cotton Gin—7.
- Crompton—7.
- Customs Service—55.
- Day Work.—See Bern Conventions, and Workday.
- Delegates' Meetings of the International Labor Association.



# INDEX (Continued)

- First Meeting (Basel, 1901)—41-42.  
 Second Meeting (Cologne, 1902)—42-43, 137.  
 Committee Meeting (Basel, 1903)—43, (45).  
 Third Meeting (Basel, 1904)—44-46.  
 Fourth Meeting (Geneva, 1906)—47-52.  
 Fifth Meeting (Lucerne, 1908)—57-58.  
 Sixth Meeting (Lugano, 1910)—58, 59-61, 131-132.  
 Seventh Meeting (Zurich, 1912)—60, 61-64.  
 Diseases, occupational—60, 80, 82-84, 89.  
 Divers—60.  
 Dock workers—See Merchant service.  
 Domestic system—8.  
 Dumas, J. B.—17.  
 Educational requirements—13, 23, 32, 154-155.  
 Efficiency, doctrine of—5-7.  
 Ely, Richard T.—87.  
 Embroidery—34, 58, 59, 63, 134.  
 Employers' liability—42, 84-85, 93-94.  
 Employment bureaus—See Labor Bureaus.  
 Esche-Hughes Bill—91-92, 164-165.  
 Farnam, Henry W.—59, 87.  
 Federal Council, German—51, 147.  
 Federal Council, Swiss—  
   Notes of 1881, 19, 66.  
   1887-1889—25-27.  
   1890—27.  
   1892—34.  
   1896—34.  
   1904—44.  
   1905-1906—117, 118-119, 123.  
   1909—125.  
   1910—125.  
   1911—60-61, 131.  
   1913—135.  
   1914—135.  
   Program of 1889—26.  
 Fellow servant doctrine—84.  
 Ferrosilicon—63.  
 Fitch, John—60.  
 Franck, Dr.—20, 66.  
 Franco-Belgian Treaty (1906)—51, 146-147.  
   (1910)—147.  
 Franco-British Convention concerning recruitment of native laborers in the New Hebrides—159, note.  
 Franco-British Treaty—151-152.  
 Franco-Danish Treaty—157.  
 Franco-Italian Treaty (1904)—43, 44, 137-142, 153-154.  
   (Jan. 20, 1906)—146.  
   (June 9, 1906)—51, 148-149.  
   (June 15, 1910)—154-156.  
   (Aug. 9, 1910)—156.  
 Franco-Luxemburg Treaty—51, 149.  
 Franco-Swiss Treaty—165-166.  
 Frankel, L. K.—59.  
 Frey, Colonel—17-18, 19.  
 Fur-cutting—64.  
 German-Austro-Hungarian Treaty—143-144.  
 German-Belgian Treaty—159-160.  
 German Catholic Party—21.  
 German-Italian Treaty (1904)—142-143.  
   (1912)—160-163.  
 German-Luxemburg Treaty—145-146, 150.  
 German-Netherlands Treaty (1907)—150-151.  
   (1914)—151.  
 German-Spanish Sailors' Accident Agreement—163-164.  
 German-Swedish Treaty—156-157.  
 "Ghent system"—99.  
 Glarus, Commission of—13-14.  
 Glass factories—63, 133, 154-155.

*INDEX (Continued)*

- Gompers, Samuel—90.  
Greece—126, 127.  
Hague Conventions—56-57, 123.  
Hague Tribunal—74, 106.  
Hahn—14.  
Hargreaves—7.  
Hatch, Leonard—83.  
Hat-making—64.  
Henrotte—37.  
Holidays, labor—60, 62, 63.  
Home work—36, 45, 49, 58, 59, 61, 63, 101, 102.  
Hotel business—49, 115.  
Hungarian-Italian Treaty—152-153.  
Illumination, factory—79.  
India—127-128.  
Industrial Relations Commission—97.  
Industrial Revolution—8.  
Industry, national—5-6, 21.  
Inspection—See Labor Inspection.  
Insurance—4, 9-10, 22, 32, 44, 45-46, 51, 59, 60, 62-63, 80, 90, 101, 102, 139-140, 142.  
Insurance—(See Treaties, and Social Insurance)  
Accident—10, 23, 32, 42, 59, 101, 102, 140, 149, 159. (See Treaties and National Accident Insurance Acts).  
Old Age—32, 47, 90, 143-144, 161-162, 164-165. (See Treaties, and Social Insurance).  
Sickness—10, 32, 47, 63, 90, 144, 158, 161-162. (See Treaties, and Social Insurance).  
Unemployment—98-99, 140.  
International — See International Workingmen's Association.  
International Association for the Legal Protection of Labor—See International Labor Association.  
International Association on Social Insurance—60, 61, 98, 100.  
International Association on Unemployment—60, 61, 88, 98-100.  
American section—88.  
Other sections—98-100.  
International congresses—See Conferences, and Congresses.  
International Employment Bureau—See Labor Bureaus.  
International High Commission—64, note.  
International Home Work Congress—61.  
International Labor Association—37-38, 74, 87-88, 103-104, 105, 109.  
American Section—See Sections.  
Bulletins—See Bulletin.  
Bureau—40.  
Committee—40.  
Constitution—40-41.  
Meetings—See Delegates' Meetings.  
Office—40, 41, 42, 44.  
Permanent Council of Social Hygiene—40.  
Sections—See Sections.  
Subventions—40, 48.  
International Labor Bureau—See Labor Bureaus.  
International Labor Law—See Law.  
International Night—115-116, 120, 132.  
See Berne Conventions.  
International Workingmen's Association—14.  
Interstate Commerce Commission—97.  
Iron Works—63, 133.  
Italian-American Treaty—164-165.  
Italian child laborers—42, 141, 154-156.  
Italian-German War Arrangement—166-168.  
Japan—12, 127, 131.  
Kallen, H. M.—107.  
Kay—7.

- King, Hon. W. L. Mackenzie—59.
- Labor Bureaus—  
     Employment bureaus in United States—90.  
     International Employment Bureau—54, 99.  
     International Labor Bureau—22, 34, 35, 37-38, 40.  
     (See International Labor Association).
- National Labor Bureaus—  
     Austria—97.  
     Belgium—97.  
     Canada—98.  
     Denmark—98.  
     France—98.  
     Germany—97.  
     Great Britain—97.  
     Holland—98.  
     Italy—97.  
     Massachusetts—96.  
     New South Wales—98.  
     New Zealand—98.  
     Norway—97.  
     Ontario—98.  
     Spain—97.  
     Sweden—97.  
     United States—97.
- Labor congresses—See Congresses.
- Labor inspection—27, 32, 33, 35, 39, 47, 138.  
     In United States—81, 83-84.
- Laissez faire*—9.
- L'Annuaire de la Législation du travail*—37.
- Lavoisier—7.
- Law, International—3, 4, 105-107.
- Law, Labor—82-84.
- Law proposition, French (1885)—22.
- Law proposition, German (1885)—23.
- Lead—37, 42, 43, 45, 50-51, 52-53, 58, 60-61, 62, 79-80, 89, 101.
- League of Nations—106, 107, 109.
- League to Enforce Peace—106.
- Legislative Drafting Research Fund of Columbia University—89.
- Legrand, Daniel—12.
- Leroy-Beaulieu—22.
- Letters rogatory—150.
- Lighting, factory—79-80.
- List of industrial poisons—45, 51, 58, 61.
- Lohman—18.
- Loom—7.
- Luzzatti—38.
- Luxemburg-Belgian Treaty (1905)—51, 144-145.  
     (1906)—144.
- Mahaim—40.
- Manufacturers—4, 13, 115.
- Massachusetts Labor Bureau—96.
- Matches—See Phosphorus, and Bern Conventions, and Sample phosphorus matches.
- Maybach—29.
- Mercantilists—9.
- Merchant service—55, 63.
- Mercurial poisoning—63-64.
- Mexico—61.
- Millerand—38.
- Mine fatalities—79.
- Miners' XVII. International Congress—46.
- Minimum wage—21, 27, 47, 90.
- Mining—4, 31, 32, 58, 63, 115, 116, 123-124, 133.
- Moore, J. B.—57, note.
- Morbidity and mortality—63, 83.
- Mortality—See morbidity.
- Mothers' pensions—90.
- Mun, Count Albert de—21.
- National Accident Insurance Acts—51, 147-148.  
     See Social Insurance.
- National Labor Bureaus—See Labor Bureaus.
- Navy—55, 106.

# INDEX (Continued)

- Necrosis—See "phossy jaw."
- Neill, Charles P.—59.
- New Hebrides—159, note.
- Newspaper employees—54.
- Night-rest — See International Night, and Night-work.
- Night-work—13, 15, 21, 23, 25, 26, 39. (See Bern Conventions.)
  - Of women—3, 13, 15, 25, 26, 33, 42-44, 47, 61, 80, 100, 114-117, 119-121, 123-128, 136, 138.
  - Of young persons—3, 13, 26, 33, 45, 49, 58, 80, 101, 127, 132-133, 136, 138-139.
- Nyssens—37.
- Occupational diseases—See Diseases.
- Old-Age pensions—See Insurance.
- Oliver Thomas—82.
- Owen, Robert—11-12.
- Painting—See Lead.
- Parkinson, I. T.—89.
- Parliament, French—21, 22.
- Peace—52, 77, 102-106, 118, 136.
- Peace Conference at The Hague (1907)—56-57.
- Permanent Committee on Social Insurance—See International Association on Social Insurance.
- Permanent Council of Social Hygiene—See International Labor Association.
- Phillippovich—40.
- Phosphorus, white—3, 37, 42-44, 51, 61, 101, 113-114, 118, 121-122, 128-131, 164-165.
  - See Bern Conventions, and Poisons, industrial). In United States—91-92, 165.
- "Phossy jaw"—74-75, 77, 79.
- Physiocrats—9.
- Poisons, industrial—37, 42-45, 48, 50-51, 52-53, 59, 60-61, 62, 63-64, 89, 92, 101-102.
  - See Bern Conventions, and Lead and Phosphorus.
- Polygraphic trades—52-53, 58, 59, 60, 62. See Lead.
- Pope Leo XIII.—31.
- Portuguese Delegation—56.
- Post-office employees—54-55.
- Prize Contest—45, 52, 53.
- Protection, doctrine of—6.
- Protective Committees—See Italian Child Laborers.
- Quarrying—4, 63, 123.
- Railroad employees—55, 60, 63, 165-166.
- Refund of insurance premiums—63, 161-162.
- Reichstag—23.
- Rescripts of William II.—28-30, 31.
- Rice—56.
- Roebuck—7.
- Rounds, R. S.—107.
- Sailors—4.
- Sample phosphorus matches—69, 130-131.
- Sanction—51, 74, 96, 101, 102-106, 109, 120, 122-124.
- Sarrien—77, 118.
- Scherrer—40.
- Seager, Henry R.—87.
- Sections of International Labor Association—41-42, 47.
  - Argentina (defunct)—87.
  - Austria—41.
  - Belgium—41.
  - Denmark—47.
  - England—47.
  - Finland—61.
  - France—41.
  - Germany—41.
  - Holland—41.
  - Hungary—41.
  - Italy—41.
  - Norway—59.
  - Spain—47.
  - Sweden—59.
  - Switzerland—41.



# INDEX (Continued)

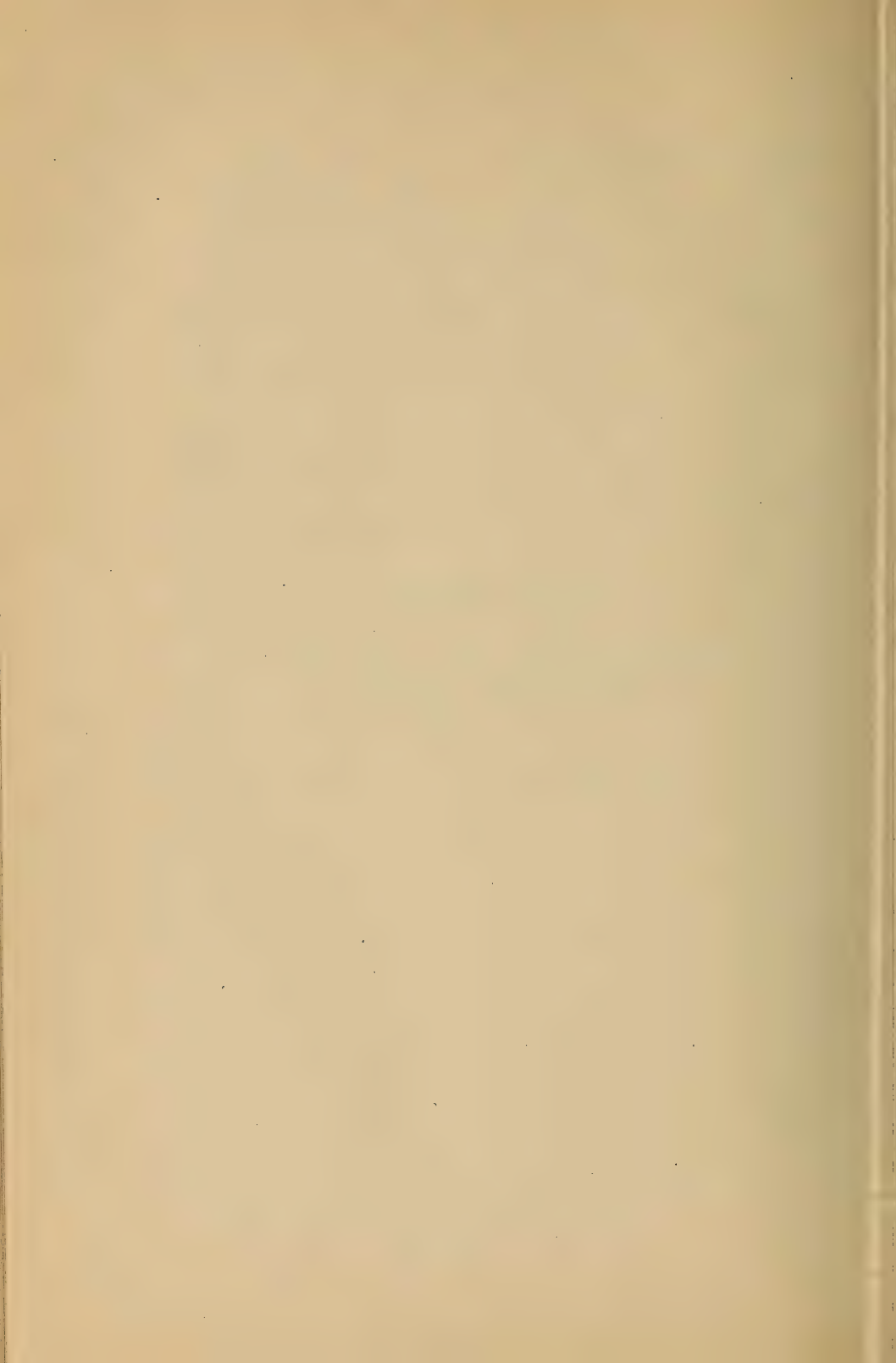
- United States—47, 59, 62-63, 87-92, 96, 109.
- Shuttle drop box—7.
- Sickness, cost of—80.
- Sickness Insurance—See Insurance
- Smith, Adam—9.
- Social Insurance—(See Insurance).
  - In Austria—144.
  - England—143.
  - France—143.
  - Germany—142-143, 161.
  - Hungary—144.
  - Italy—143.
  - United States—90.
- Socialist Democratic Party—18, 23.
- Socialist Labor Party, Christian—14.
- Socialists—14, 18, 35.
- "Social Week"—61.
- Spinner, mule—7.
- Spinner, roller—7.
- Spinners—14.
- Spinning jenny—7.
- Spitzenbergen Convention—159.
- Standard Labor Law—88-89.
- "States rights"—95.
- Steam engine—7.
- Stein, Lorenz von—18, 20.
- Strikes—5, 20, 28, 32, 77, 118.
- Sumner, Helen—59.
- Sunday rest—See weekly rest—13, 14.
- Sunday work—13, 80-81.
- Swedish-Danish Sick Funds—158-159.
- Swiss-Italian Treaty—142.
- Switzerland—20, 30, 34, 61.
  - See Federal Council.
- Telegraph service—55.
- Telephone service—55.
- Tentative Agreements of Bern—
  - See Bern Conventions (tentative).
- Toniolo—40.
- Trade Unions—9, 21, 35.
- Treaties—Accident Insurance—166-168.
- Franco-Belgian (1906)—51, 146-147.
- Franco-British (1909)—151-152.
- Franco-Italian (9 June, 1906)—51, 148-149. See Franco-Italian Treaty (1904)—140.
- Franco-Luxemburg (1906)—51, 149.
- German-Belgium (1912)—159-160.
- German-Italian (1912)—160.
- German-Luxemburg (1905)—145-146, 150.
- German-Netherlands (1907)—150-151, 160.
  - (1914)—151.
- Hungarian-Italian (1909)—152-153.
- Luxemburg-Belgian (1905)—51, 144-145.
  - (1906)—144.
- Treaties, Arbitration—157-158.
  - See Hague Conventions.
- Treaties, Commercial—
  - German - Austro - Hungarian (1905)—143-144.
  - German-Italian (1904)—142-143.
  - German-Swedish (1911)—156-157.
  - Swiss-Italian (1904)—142.
- Treaties, Old-age and Invalidity Insurance—161-162, 165-166.
- Treaties, Workmen's Insurance—156-157.
- Franco-Belgian (1906)—51, 146-147.
  - (1910)—147.
- Franco-British (1909)—151-152.
- Franco-Italian (1904)—43, 44, 137-142.
  - (9 June, 1906)—51, 148-149.
- Franco-Luxemburg (1906)—51, 149.
- Franco-Swiss (1913)—165-166.
- German - Austro - Hungarian (1905)—143-144.
- German-Belgian (1912)—159-160.

# INDEX (Continued)

- German-Italian (1904)—142-143.  
(1912)—160-163.
- German-Luxemburg (1905)—145-146, 150.
- German-Netherlands (1907)—150-151.  
(1914)—151.
- German-Swedish (1911)—156-157.
- Hungarian-Italian (1909)—152-153.
- Luxemburg-Belgian (1905)—51, 144-145.  
(1906)—144.
- Swiss-Italian (1904)—142.
- Treaty between Italy and the United States—164-165.
- Treaty, Sailors' Accident—163-164.
- Treaty; War Arrangement—166-168.
- "Trucking"—63.
- Unemployment—23, 53-54, 61, 88, 90.  
See Insurance, unemployment, and International Association on Unemployment.
- United States—16, 35, 59, 61, 62-63, 68, 73, 75, 79-95, 96-97, 164-165.
- Vaillant—21, 22.
- Ventilation, factory—80.
- Wages boards—63.
- Wagner, Adolph—14.
- War—4, 70, 74, 82, 87, 98, 101-102, 104-106, 107, 136.
- Watt—7.
- "Wealth of Nations"—9.
- Weaving—7, 116.
- Weber, Adna F.—87.
- Weekly rest—13, 14, 22, 24, 25, 26, 27, 31, 32, 33, 35, 54-56, 100, 102.
- Weyl, Theodore—82.
- Whitney—7.
- William II. of Germany—28, 31.
- Willoughby, William F.—87.
- Wisconsin Commission Plan—90.
- Wolowski, Louis—17.
- Woman's work—22, 23, 24, 31, 32, 33, 35, 47, 58, 59, 62, 100-101, 114-117, 133-136, 138-139.  
See night-work, and Bern Conventions.
- Wool-combing—116, 125.
- Woolf, S. W.—103.
- Workday, length of—21, 22, 23, 24, 26, 27, 32, 35, 39, 47, 49-50, 58, 59, 62, 72, 100-101, 102, 138-139.  
See Bern Convention (tentative) on day-work.
- Workmen's Compensation Laws—80, 90, 91, 94-95.

**SUPPLEMENT**

**The International Labor Organization  
of the League of Nations**





# **LABOR**

## **in the**

# **PEACE TREATY**

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**Complete Official Text of Part XIII. of the Treaty of Peace With Germany and the Covenant of the League of Nations, Laying Down General Principles of Labor Protection, Establishing a Permanent International Organization for Promoting World-Wide Adoption of Protective Standards, and Arranging for the First Official Annual International Labor Conference at Washington, in October, 1919.**

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## **PART XIII.**

### **L a b o r**

#### **SECTION I.**

##### **Organization of Labor.**

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labor exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labor supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

## THE INTERNATIONAL PROTECTION OF LABOR

Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

### CHAPTER I.

#### Organization.

##### ARTICLE 387.

A permanent organization is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.

##### ARTICLE 388.

The permanent organization shall consist of:

- (1) A General Conference of Representatives of the Members, and,
- (2) An International Labor Office controlled by the Governing Body described in Article 393.

##### ARTICLE 389.

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, at least one of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labor Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

## INTERNATIONAL LABOR ORGANIZATION

### ARTICLE 390.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

### ARTICLE 391.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

### ARTICLE 392.

The International Labor Office shall be established at the seat of the League of Nations as part of the organization of the League.

### ARTICLE 393.

The International Labor Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:

The Governing Body of the International Labor Office shall be constituted as follows:

Twelve persons representing the Governments;

Six persons elected by the Delegates to the Conference representing the employers;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

### ARTICLE 394.

There shall be a Director of the International Labor Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labor Office and for such other duties as may be assigned to him.

## THE INTERNATIONAL PROTECTION OF LABOR

The Director or his deputy shall attend all meetings of the Governing Body.

### ARTICLE 395.

The staff of the International Labor Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

### ARTICLE 396.

The functions of the International Labor Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

### ARTICLE 397.

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labor Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

### ARTICLE 398.

The International Labor Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

### ARTICLE 399.

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labor Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.



CHAPTER II.

Procedure.

ARTICLE 400.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognized for the purpose of Article 389.

ARTICLE 401.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

ARTICLE 402.

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

ARTICLE 403.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

ARTICLE 404.

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

ARTICLE 405.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

## THE INTERNATIONAL PROTECTION OF LABOR

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances makes the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

### ARTICLE 406.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

## INTERNATIONAL LABOR ORGANIZATION

### ARTICLE 407.

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

### ARTICLE 408.

Each of the Members agrees to make an annual report to the International Labor Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

### ARTICLE 409.

In the event of any representation being made to the International Labor Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

### ARTICLE 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

### ARTICLE 411.

Any of the Members shall have the right to file a complaint with the International Labor Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 409.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.



## THE INTERNATIONAL PROTECTION OF LABOR

When any matter arising out of Articles 410 or 411 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

### ARTICLE 412.

The Commission of Enquiry shall be constituted in accordance with the following provisions:

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

### ARTICLE 413.

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

### ARTICLE 414.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

### ARTICLE 415.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commis-



## INTERNATIONAL LABOR ORGANIZATION

sion; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

### ARTICLE 416.

In the event of any Member failing to take the action required by Article 405, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

### ARTICLE 417.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 or Article 416 shall be final.

### ARTICLE 418.

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

### ARTICLE 419.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

### ARTICLE 420.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

## CHAPTER III.

### General.

#### ARTICLE 421.

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing.

(1) Except where owing to the local conditions the convention is inapplicable, or

## THE INTERNATIONAL PROTECTION OF LABOR

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

### ARTICLE 422.

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

### ARTICLE 423.

Any questions or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

## CHAPTER IV.

### Transitory Provisions.

#### ARTICLE 424.

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 425.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labor Office, who will transmit them to the Secretary-General of the League.

#### ARTICLE 426.

Pending the creation of a Permanent Court of International Justice disputes which in accordance with this Part of the Present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

# INTERNATIONAL LABOR ORGANIZATION

## ANNEX.

### First Meeting of Annual Labor Conference, 1919.

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

#### Agenda:

- (1) Application of principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment:
  - (a) Before and after child-birth, including the question of maternity benefit;
  - (b) During the night;
  - (c) In unhealthy processes.
- (4) Employment of children:
  - (a) Minimum age of employment;
  - (b) During the night;
  - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

## SECTION II.

### General Principles.

#### ARTICLE 427.

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labor difficult of immediate attainment. But holding as they do, that labor should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labor should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

## THE INTERNATIONAL PROTECTION OF LABOR

- Fourth.—The adoption of an eight-hours day or a forty-eight-hours week as the standard to be aimed at where it has not already been attained.
- Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.
- Sixth.—The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.
- Seventh.—The principle that men and women should receive equal remuneration for work of equal value.
- Eighth.—The standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.
- Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to insure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

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### Draft Conventions and Recommendations Adopted by

#### THE INTERNATIONAL LABOR CONFERENCE OF THE LEAGUE OF NATIONS

Washington, D. C., October 29-November 29, 1919.

##### I.

**Draft Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "application of principle of the 8-hours day or the 48-hours week," which is the first item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

Adopts the following Draft Convention for ratification by the Members of the International Labor Organisation, in accordance with the Labor Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919:

##### ARTICLE I.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:



(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers, or goods, by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

#### ARTICLE 2.

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight (8) in the day and forty-eight (48) in the week, with the exceptions hereinafter provided for.

(a) The provisions of this Convention shall not apply to persons holding positions of supervision or management nor to persons employed in a confidential capacity.

(b) Where by law, custom, or agreement between employers' and workers' organizations, or where no such organizations exist between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight (8), the limit of eight (8) hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organizations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight (8) hours be exceeded by more than one hour.

(c) Where persons are employed in shifts it shall be permissible to employ persons in excess of eight (8) hours in any one day and forty-eight (48) hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight (8) per day and forty-eight (48) per week.

#### ARTICLE 3.

The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure," but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

#### ARTICLE 4.

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature

## THE INTERNATIONAL PROTECTION OF LABOR

of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

### ARTICLE 5.

In exceptional cases where it is recognized that the provisions of Article 2 can not be applied, but only in such cases, agreements between workers' and employers' organizations concerning the daily limit of work over a longer period of time, may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides. The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed forty-eight.

### ARTICLE 6.

Regulations made by public authority shall determine for industrial undertakings:

(a) The permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.

(b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made only after consultation with the organizations of employers and workers concerned, if any such organizations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

### ARTICLE 7.

Each Government shall communicate to the International Labor Office:

(a) A list of the processes which are classed as being necessarily continuous in character under Article 4;

(b) Full information as to working of the agreements mentioned in Article 5, and

(c) Full information concerning the regulations made under Article 6 and their application.

The International Labor Office shall make an annual report thereon to the General Conference of the International Labor Organization.

### ARTICLE 8.

In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required:

(a) To notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts the hours at which each shift begins and ends. These hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government.

## INTERNATIONAL LABOR ORGANIZATION

(b) To notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

It shall be made an offense against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

### ARTICLE 9.

In the application of this Convention to Japan the following modifications and conditions shall obtain:

(a) The term "industrial undertaking" includes particularly—

The undertakings enumerated in paragraph (a) of Article 1;

The undertakings enumerated in paragraph (b) of Article 1, provided there are at least ten workers employed;

The undertakings enumerated in paragraph (c) of Article 1, in so far as these undertakings shall be defined as "factories" by the competent authority;

The undertakings enumerated in paragraph (d) of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand, and,

Regardless of the number of persons employed, such of the undertakings enumerated in paragraphs (b) and (c) of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes.

(b) The actual working hours of persons of fifteen years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed fifty-seven in the week, except that in the raw-silk industry the limit may be sixty hours in the week.

(c) The actual working hours of persons under fifteen years of age in any public or private industrial undertaking, or in any branch thereof, and of all miners of whatever age engaged in underground work in the mines, shall in no case exceed forty-eight in the week.

(d) The limit of hours of work may be modified under the conditions provided for in Articles 2, 3, 4 and 5 of this Convention, but in no case shall the length of such modification bear to the length of the basic week a proportion greater than that which obtains in those Articles.

(e) A weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers.

(f) The provision in Japanese factory legislation limiting its application to places employing fifteen or more persons shall be amended so that such legislation shall apply to places employing ten or more persons.

(g) The provisions of the above paragraphs of this Article shall be brought into operation not later than 1 July, 1922, except that the provisions of Article 4 as modified by paragraph (d) of this Article shall be brought into operation not later than 1 July, 1923.

(h) The age of fifteen prescribed in paragraph (c) of this Article shall be raised, not later than 1 July, 1925, to sixteen.

### ARTICLE 10.

In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts



## THE INTERNATIONAL PROTECTION OF LABOR

administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

### ARTICLE 11.

The provisions of this Convention shall not apply to China, Persia, and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the General Conference.

### ARTICLE 12.

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July, 1923, in the case of the following industrial undertakings:

- (1) Carbon-bisulphide works,
- (2) Acids works,
- (3) Tanneries,
- (4) Paper mills,
- (5) Printing works,
- (6) Sawmills,
- (7) Warehouses for the handling and preparation of tobacco,
- (8) Surface mining,
- (9) Foundries,
- (10) Lime works,
- (11) Dye works,
- (12) Glassworks (blowers),
- (13) Gas works (firemen),
- (14) Loading and unloading merchandise;

and to not later than 1 July, 1924, in the case of the following industrial undertakings:

(1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;

(2) Constructional industries: Lime-kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;

(3) Textile industries: Spinning and weaving mills of all kinds, except dye works;

(4) Food industries: Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;

(5) Chemical industries: Manufactories of synthetic colors, glass-works (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen);

(6) Leather industries: Shoe factories, manufactories of leather goods;



## INTERNATIONAL LABOR ORGANIZATION

(7) Paper and printing industries: Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops;

(8) Clothing industries: Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories;

(9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;

(10) Electrical industries: Power houses, shops for electrical installations;

(11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.

### ARTICLE 13.

In the application of this Convention to Roumania the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July, 1924.

### ARTICLE 14.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

### ARTICLE 15.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary General of the League of Nations for registration.

### ARTICLE 16.

Each Member which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

### ARTICLE 17.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 18.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratification with the Secretariat. Thereafter this Convention will come into force for any other Member, at the date on which its ratification is registered with the Secretariat.

## THE INTERNATIONAL PROTECTION OF LABOR

### ARTICLE 19.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1921, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 20.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 21.

At least once in ten years the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

### ARTICLE 22.

The French and English texts of this Convention shall both be authentic.

## II.

### DRAFT CONVENTION CONCERNING UNEMPLOYMENT.

#### ARTICLE 1.

Each Member which ratifies this Convention shall communicate to the International Labor Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

#### ARTICLE 2.

Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

The operations of the various national systems shall be co-ordinated by the International Labor Office in agreement with the countries concerned.

#### ARTICLE 3.

The Members of the International Labor Organization which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be

## INTERNATIONAL LABOR ORGANIZATION

admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

### ARTICLE 4.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary General of the League of Nations for registration.

### ARTICLE 5.

Each Member which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

### ARTICLE 6.

As soon as the ratifications of three Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 7.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 8.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1921, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 9.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 10.

At least once in ten years the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

## THE INTERNATIONAL PROTECTION OF LABOR

### ARTICLE 11.

The French and English texts of this Convention shall both be authentic.

### III.

#### RECOMMENDATION CONCERNING UNEMPLOYMENT.

##### ARTICLE 1.

The General Conference recommends that each Member of the International Labor Organization take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. Where such agencies already exist, it is further recommended that they be permitted to operate only under Government licenses, and that all practicable measures be taken to abolish such agencies as soon as possible.

##### ARTICLE 2.

The General Conference recommends to the Members of the International Labor Organization that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

##### ARTICLE 3.

The General Conference recommends that each Member of the International Labor Organization establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members.

##### ARTICLE 4.

The General Conference recommends that each Member of the International Labor Organization co-ordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it.

### IV.

#### RECOMMENDATION CONCERNING RECIPROCITY OF TREATMENT OF FOREIGN WORKERS.

The General Conference recommends that each Member of the International Labor Organization shall, on condition of reciprocity and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory, to the benefit of its laws and regulations for the protection of its own workers, as well as to the right of lawful organization as enjoyed by its own workers.

### V.

#### DRAFT CONVENTION CONCERNING EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.

The General Conference of the International Labor Organization of the League of Nations,



## INTERNATIONAL LABOR ORGANIZATION

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment, before and after childbirth, including the question of maternity benefit," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,  
Adopts the following Draft Convention for ratification by the Members of the International Labor Organization, in accordance with the Labor Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919:

### ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including ship-building, and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure.

(d) Transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

### ARTICLE 2.

For the purpose of this Convention the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

### ARTICLE 3.

In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

(a) Shall not be permitted to work during the six weeks following her confinement.

(b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.

(c) Shall, while she is absent from her work in pursuance of paragraphs (a) and (b) be paid benefits sufficient for the full and healthy maintenance of herself and her child provided either out of

## THE INTERNATIONAL PROTECTION OF LABOR

public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife. No mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

(d) Shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

### ARTICLE 4.

Where a woman is absent from her work in accordance with paragraphs (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

### ARTICLE 5.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary General of the League of Nations for registration.

### ARTICLE 6.

Each Member which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where, owing to the local conditions, its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

### ARTICLE 7.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 8.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 9.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take

## INTERNATIONAL LABOR ORGANIZATION

such action as may be necessary to make these provisions effective.

### ARTICLE 10.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 11.

At least once in 10 years the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

### ARTICLE 12.

The French and English texts of this Convention shall both be authentic.

## VI. DRAFT CONVENTION CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and Having decided upon the adoption of certain proposals with regard to "women's employment: during the night," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,  
Adopts the following Draft Convention for ratification by the Members of the International Labor Organization, in accordance with the Labor Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919:

### ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

## THE INTERNATIONAL PROTECTION OF LABOR

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

### ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

### ARTICLE 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

### ARTICLE 4.

Article 3 shall not apply:

(a) In cases of *force majeure*, when in any undertaking there comes an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

### ARTICLE 5.

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labor Office.

### ARTICLE 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

### ARTICLE 7.

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

### ARTICLE 8.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary General of the League of Nations for registration.



## INTERNATIONAL LABOR ORGANIZATION

### ARTICLE 9.

Each Member which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

### ARTICLE 10.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 11.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 12.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 13.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 14.

At least once in ten years, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

### ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

## VII.

### RECOMMENDATION CONCERNING THE PREVENTION OF ANTHRAX.

The General Conference recommends to the Members of the International Labor Organization that arrangements should be made for

## THE INTERNATIONAL PROTECTION OF LABOR

the disinfection of wool infected with anthrax spores, either in the country exporting such wool or, if that is not practicable, at the port of entry in the country importing such wool.

### VIII.

#### RECOMMENDATION CONCERNING THE PROTECTION OF WOMEN AND CHILDREN AGAINST LEAD POISONING.

The General Conference recommends to the Members of the International Labor Organization that in view of the danger involved to the function of maternity and to the physical development of children, women and young persons under the age of eighteen years be excluded from employment in the following processes:

- (a) In furnace work in the reduction of zinc or lead ores.
- (b) In the manipulation, treatment, or reduction of ashes containing lead, and in the de-silverizing of lead.
- (c) In melting lead or old zinc on a large scale.
- (d) In the manufacture of solder or alloys containing more than ten per cent. of lead.
- (e) In the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate or silicate (frit) of lead.
- (f) In mixing and pasting in the manufacture or repair of electric accumulators.
- (g) In the cleaning of workrooms where the above processes are carried on.

It is further recommended that the employment of women and young persons under the age of eighteen years in processes involving the use of lead compounds be permitted only subject to the following conditions:

- (a) Locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin.
- (b) Cleanliness of tools and workrooms.
- (c) Notification to Government authorities of all cases of lead poisoning, and compensation therefor.
- (d) Periodic medical examination of the persons employed in such processes.
- (e) Provision of sufficient and suitable cloak-room, washing, and mess-room accommodation, and of special protective clothing.
- (f) Prohibition of bringing food or drink into work rooms.

It is further recommended that in industries where soluble lead compounds can be replaced by non-toxic substances, the use of soluble lead compounds should be strictly regulated.

For the purpose of this Recommendation, a lead compound should be considered as soluble if it contains more than five per cent. of its weight (estimated as metallic lead) soluble in a quarter of one per cent. solution of hydrochloric acid.

### IX.

#### RECOMMENDATION CONCERNING THE ESTABLISHMENT OF GOVERNMENT HEALTH SERVICES.

The General Conference recommends that each Member of the International Labor Organization which has not already done so should establish as soon as possible, not only a system of efficient factory inspection, but also in addition thereto a Government service especially charged with the duty of safeguarding the health of the

workers, which will keep in touch with the International Labor Office.

X.

RECOMMENDATION CONCERNING THE APPLICATION OF THE BERNE CONVENTION OF 1906, ON THE PROHIBITION OF THE USE OF WHITE PHOSPHORUS IN THE MANUFACTURE OF MATCHES.

The General Conference recommends that each Member of the International Labor Organization, which has not already done so, should adhere to the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.

XI.

DRAFT CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: minimum age of employment," which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,  
Adopts the following Draft Convention for ratification by the Members of the International Labor Organization, in accordance with the Labor Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919:

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

## THE INTERNATIONAL PROTECTION OF LABOR

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

### ARTICLE 2.

Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

### ARTICLE 3.

The provisions of article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

### ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

### ARTICLE 5.

In connection with the application of this Convention to Japan, the following modifications of article 2 may be made:

(a) Children over twelve years of age may be admitted into employment if they have finished the course in the elementary school;

(b) As regards children between the ages of twelve and fourteen already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.

### ARTICLE 6.

The provisions of article 2 shall not apply to India, but in India children under twelve years of age shall not be employed.

(a) In manufactories working with power and employing more than ten persons;

(b) In mines, quarries, and other works for the extraction of minerals from the earth;

(c) In the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.

### ARTICLE 7.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary General of the League of Nations for registration.

### ARTICLE 8.

Each Member which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.



## INTERNATIONAL LABOR ORGANIZATION

Each Member shall notify to the International Labor Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

### ARTICLE 9.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the members of the International Labor Organization.

### ARTICLE 10.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 11.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 12.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 13.

At least once in ten years, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

### ARTICLE 14.

The French and English texts of this Convention shall both be authentic.

## XII.

### DRAFT CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY

The General Conference of the International Labor Organization of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: during the night," which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

## THE INTERNATIONAL PROTECTION OF LABOR

Adopts the following Draft Convention for ratification by the Members of the International Labor Organization, in accordance with the Labor Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919:

### ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

### ARTICLE 2.

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process is required to be carried on continuously day and night:

(a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process);

(b) Glass works;

(c) Manufacture of paper;

(d) Manufacture of raw sugar;

(e) Gold mining reduction work.

### ARTICLE 3.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for

## INTERNATIONAL LABOR ORGANIZATION

the interval between ten o'clock in the evening and five o'clock in the morning.

In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

### ARTICLE 4.

The provisions of articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

### ARTICLE 5.

In the application of this Convention to Japan, until 1 July, 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

### ARTICLE 6.

In the application of this Convention to India, the term "industrial undertakings" shall include only "factories" as defined in the Indian Factory Act, and article 2 shall not apply to male young persons over fourteen years of age.

### ARTICLE 7.

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

### ARTICLE 8.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary General of the League of Nations for registration.

### ARTICLE 9.

Each Member which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

### ARTICLE 10.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 11.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of

## THE INTERNATIONAL PROTECTION OF LABOR

Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 12.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 13.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 14.

At least once in ten years the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

### ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

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## PROTECTION FOR SEAMEN.

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Draft Conventions and Recommendations  
Adopted by

### THE INTERNATIONAL LABOR CONFERENCE OF THE LEAGUE OF NATIONS.

(Second Meeting.)

Genoa, June 15-July 10, 1920.

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## RECOMMENDATION CONCERNING THE LIMITATION OF HOURS OF WORK IN THE FISHING INDUSTRY.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labor Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to 8 hours in the day and 48 in the week. Consequential effects as regards



## INTERNATIONAL LABOR ORGANIZATION

manning and the regulations relating to accommodation and health on board ship," which is the first item in the addenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following Recommendation, to be submitted to the Members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labor Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920:

In view of the declaration in the Treaties of Peace that all industrial communities should endeavor to adopt, so far as their special circumstances will permit, "an eight-hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained," the International Labor Conference recommends that each Member of the International Labor Organization enact legislation limiting in this direction the hours of work of all workers employed in the fishing industry, with such special provisions as may be necessary to meet the conditions peculiar to the fishing industry in each country; and that in framing such legislation each Government consult with the organizations of employers and the organizations of workers concerned.

### RECOMMENDATION CONCERNING THE LIMITATION OF HOURS OF WORK IN INLAND NAVIGATION.

#### I.

That each Member of the International Labor Organization should, if it has not already done so, enact legislation limiting in the direction of the above declaration in the Treaties of Peace [that all industrial communities should endeavor to adopt, so far as their special circumstances will permit, "an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained"] the hours of work of workers employed in inland navigation, with such special provisions as may be necessary to meet the climatic and industrial conditions peculiar to inland navigation in each country, and after consultation with the organizations of employers and the organizations of workers concerned.

#### II.

That those Members of the International Labor Organization whose territories are riparian to waterways which are used in common by their boats should enter into agreements for limiting in the direction of the aforesaid declaration, the hours of work of persons employed in inland navigation on such waterways, after consultation with the organizations of employers and the organizations of workers concerned.

#### III.

That such national legislation and such agreements between riparian countries should follow as far as possible the general lines of the Draft Convention concerning hours of work adopted by the International Labor Conference at Washington, with such exceptions as may be necessary for meeting the climatic or other special conditions of the countries concerned.

## THE INTERNATIONAL PROTECTION OF LABOR

### IV.

That in the application of this Recommendation, each Member of the International Labor Organization should determine for itself, after consultation with the organizations of employers and the organizations of workers concerned, what is inland navigation as distinguished from maritime navigation, and should communicate its determination to the International Labor Office.

### V

That each Member of the International Labor Organization should report to the International Labor Office, within two years after the adjournment of the Genoa Conference, the progress which it has made in the direction of this Recommendation.

### RECOMMENDATION CONCERNING THE ESTABLISHMENT OF NATIONAL SEAMEN'S CODES.

In order that, as a result of the clear and systematic codification of the national law in each country, the seamen of the world, whether engaged on ships of their own or foreign countries, may have a better comprehension of their rights and obligations, and in order that the task of establishing an International Seamen's Code may be advanced and facilitated, the International Labor Conference recommends that each Member of the International Labor Organization undertake the embodiment in a seamen's code of all its laws and regulations relating to seamen in their activities as such.

### DRAFT CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

#### ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

#### ARTICLE 2.

Children under the age of fourteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

#### ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children on school-ships or training ships, provided that such work is approved and supervised by public authority.

#### ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

#### ARTICLE 5.

Each Member of the International Labor Organization which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

## INTERNATIONAL LABOR ORGANIZATION

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

### ARTICLE 6.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920, shall be communicated to the Secretary-General of the League of Nations for registration.

### ARTICLE 7.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 8.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 9.

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 10.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 11.

At least once in ten years, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

## RECOMMENDATION CONCERNING UNEMPLOYMENT INSURANCE FOR SEAMEN.

The General Conference, with a view to securing the application to seamen of Part III of the Recommendation concerning Unemployment adopted at Washington on 28 November, 1919, recommends that each Member of the International Labor Organization should establish for seamen an effective system of insurance against unem-



## THE INTERNATIONAL PROTECTION OF LABOR

ployment arising out of shipwreck or any other cause, either by means of Government insurance or by means of Government subventions to industrial organizations whose rules provide for the payment of benefits to their unemployed members.

### DRAFT CONVENTION CONCERNING UNEMPLOYMENT INDEMNITY IN CASE OF LOSS OR FOUNDERING OF THE SHIP.

#### ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons employed on any vessel engaged in maritime navigation.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

#### ARTICLE 2.

In every case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

#### ARTICLE 3.

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

#### ARTICLE 4.

Each Member of the International Labor Organization which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

#### ARTICLE 5.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920, shall be communicated to the Secretary General of the League of Nations for registration.

#### ARTICLE 6.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary General of the League of Nations shall so notify all the Members of the International Labor Organization.



# INTERNATIONAL LABOR ORGANIZATION

## ARTICLE 7.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

## ARTICLE 8.

Subject to the provisions of Article 7, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

## ARTICLE 9.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

## ARTICLE 10.

At least once in ten years, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

## DRAFT CONVENTION FOR ESTABLISHING FACILITIES FOR FINDING EMPLOYMENT FOR SEAMEN.

### ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons, except officers, employed as members of the crew on vessels engaged in maritime navigation.

### ARTICLE 2.

The business of finding employment for seamen shall not be carried on by any person, company, or other agency, as a commercial enterprise for pecuniary gain; nor shall any fees be charged directly or indirectly by any person, company or other agency, for finding employment for seamen on any ship.

The law of each country shall provide punishment for any violation of the provisions of this Article.

### ARTICLE 3.

Notwithstanding the provisions of Article 2, any person, company or agency, which has been carrying on the work of finding employment for seamen as a commercial enterprise for pecuniary gain, may be permitted to continue temporarily under Government license, provided that such work is carried on under Government inspection and supervision so as to safeguard the rights of all concerned.

Each Member which ratifies this Convention agrees to take all practicable measures to abolish the practice of finding employment for seamen as a commercial enterprise for pecuniary gain as soon as possible.

## THE INTERNATIONAL PROTECTION OF LABOR

### ARTICLE 4.

Each Member which ratifies this Convention agrees that there shall be organized and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge. Such system may be organized and maintained, either:

(1) By representative associations of shipowners and seamen jointly under the control of a central authority, or,

(2) In the absence of such joint action, by the State itself.

The work of all such employment offices shall be administered by persons having practical maritime experience.

Where such employment offices of different types exist, steps shall be taken to co-ordinate them on a national basis.

### ARTICLE 5.

Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices; the Government in each country may make provision for further defining the powers of these committees, particularly with reference to the committees' selection of their chairmen from outside their own membership, to the degree of State supervision, and to the assistance which such committees shall have from persons interested in the welfare of seamen.

### ARTICLE 6.

In connection with the employment of seamen, freedom of choice of ship shall be assured to seamen and freedom of choice of crew shall be assured to shipowners.

### ARTICLE 7.

The necessary guarantees for protecting all parties concerned shall be included in the contract of engagement or articles of agreement, and proper facilities shall be assured to seamen for examining such contract or articles before and after signing.

### ARTICLE 8.

Each Member which ratifies this Convention will take steps to see that the facilities for employment of seamen provided for in this Convention shall, if necessary, by means of public offices, be available for the seamen of all countries which ratify this Convention, and where the industrial conditions are generally the same.

### ARTICLE 9.

Each country shall decide for itself whether provisions similar to those in this Convention shall be put in force for deck-officers and engineer-officers.

### ARTICLE 10.

Each Member which ratifies this Convention shall communicate to the International Labor Office all available information, statistical or otherwise, concerning unemployment among seamen and concerning the work of its seamen's employment agencies.

The International Labor Office shall take steps to secure the co-ordination of the various national agencies for finding employment for seamen, in agreement with the Governments or organizations concerned in each country.

## INTERNATIONAL LABOR ORGANIZATION

### ARTICLE 11.

Each Member of the International Labor Organization which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

### ARTICLE 12.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920, shall be communicated to the Secretary-General of the League of Nations for registration.

### ARTICLE 13.

As soon as the ratifications of two Members of the International Labor Organization have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labor Organization.

### ARTICLE 14.

This Convention shall come into force at the date on which such notification is issued by the Secretary General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

### ARTICLE 15.

Subject to the provisions of Article 14, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

### ARTICLE 16.

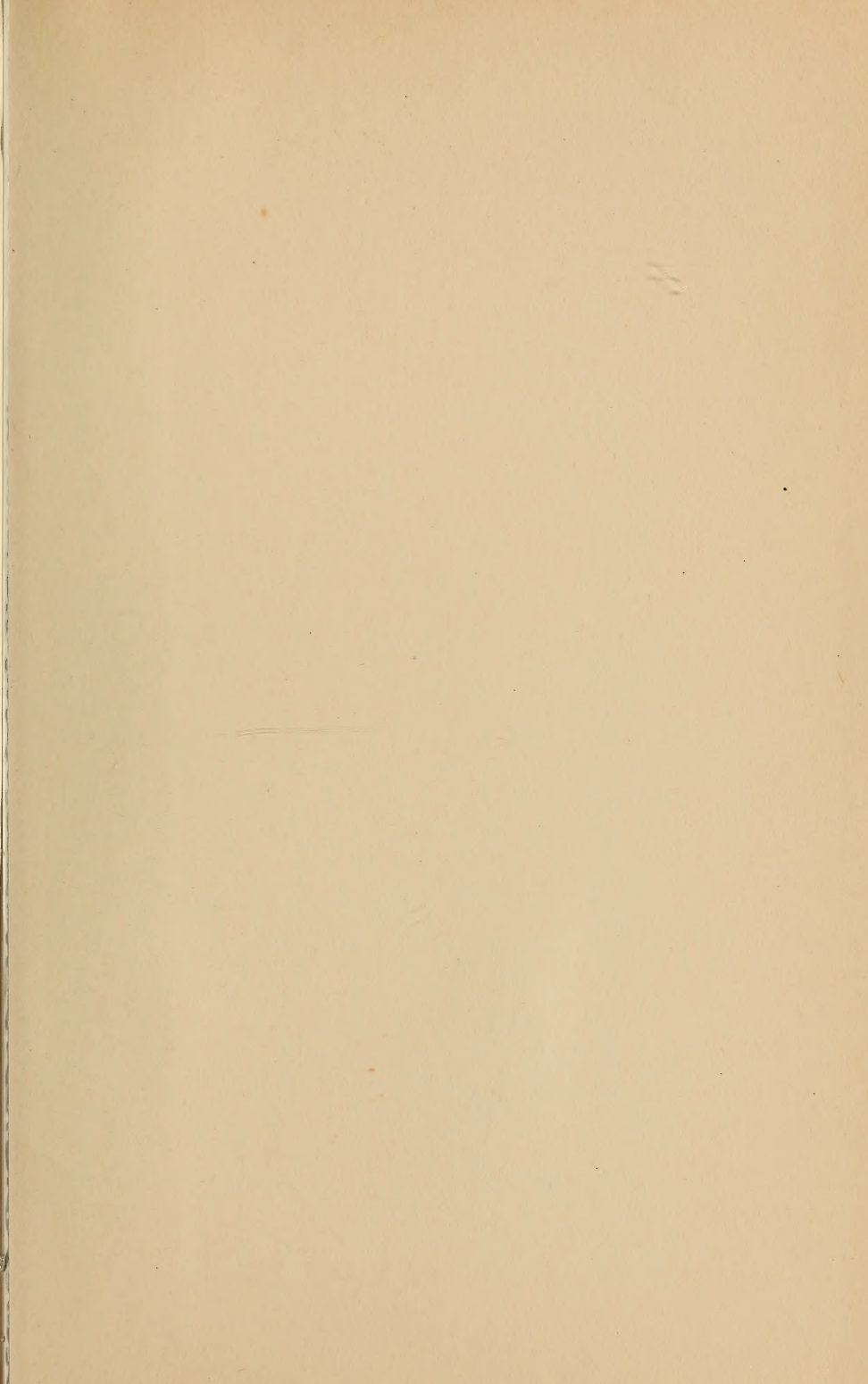
A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

### ARTICLE 17.

At least once in ten years, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.











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